THE
NATION

NOVEMBER 21, 1959 . . 25c

Government vs. Labor

SHOULD LABOR BE COERCED?

William Hammatt Davis

THE NEW LABOR BILL

Benjamin Aaron

★★★★★★★★★★★★★★

MICHIGAN'S SCAPEGOAT GOVERNOR

B. J. Widick

The Charles C. Sherrod Library
EAST TENNESSEE STATE COLLEGE
JOHNSON CITY, TENNESSEE

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LETTERS

Readers' Reaction to 'The Shame of N. Y.'

[*Copies of "The Shame of New York" may be obtained from* The Nation, *333 Sixth Ave., N.Y. 14, N.Y. Enclose payment with order as follows: 1 copy, 50c; 10 copies, $4; 50 copies, $17.50; 100 copies, $30. Rates for larger orders on request. — Ed.*]

Dear Sirs: I am absolutely overwhelmed by the magnificent job you did in "The Shame of New York" (October 31). It was the best piece of work of its kind I have ever seen and in seventy years I have seen a lot.

HERBERT ASBURY
New York City

[*Mr. Asbury's* The Gangs of New York, *published in 1928, remains one of the classics in its field and established the author's enviable reputation as an observer of municipal America.* — ED.]

Dear Sirs: "The Shame of New York" is fascinating — an excellent job!

JACOB K. JAVITS
U.S. Senator (N.Y.)
Washington, D.C.

Dear Sirs: Fred Cook and Gene Gleason have amassed a revealing series of disclosures which add up to a serious indictment of both the administration and the citizens of New York. . . . While I am not personally familiar with many of the details, I do recognize a great deal in the article.

I hope the disclosures will increase citizen participation in ADA and other organizations working toward a better, more efficient municipal government.

ROBERT J. SCHWARTZ
Chairman, Americans for Democratic Action
New York City

Dear Sirs: I should like to thank you for presenting the moral and ethical "pathology" of our city. . . . While exposure is not tantamount to a cure, it does, however, make the search for one imperative. More than ever I feel that your journal is the conscience of our society, and men like Cook and Gleason the bearers of our "super-ego."

NATHAN EPSTEIN, M.D.
New York City

Dear Sirs: A superb article . . . indispensable to the understanding of the ghoulish processes of American big-city politics. Congratulations!

BENJAMIN WEINTROUB
Editor, Chicago *Jewish Forum*
Chicago, Ill.

Dear Sirs: Congratulations on your "Shame of New York" issue! It is in the best "Steffins" tradition and more to be admired. The powers today are behemoths compared to the tinhorn politicians taken on by the muckrakers of the past.

Let us hope that stories like this and the FBI issue (Oct. 18, 1958) prove an inspiration to an otherwise apathetic press.

SEYMOUR KERN
Beverly Hills, Calif.

Dear Sirs: I'm a reporter and my breed is not inclined to write "letters to the editor." But in the case of "The Shame of New York," I can't hold back my feelings.

I can only recall two or three occasions in my life when I was as deeply impressed by a reporting job. It was simply magnificent. I'm proud to be a *Nation* subscriber.

ED DEVERILL
News Director, KFSD
San Diego, Calif.

Dear Sirs: Despite my agreement with most of the facts in "The Shame of New York," I must dissent from the conclusions. I agree that the Democratic Party deserves a large share of the blame for some of the conditions described by Cook and Gleason. . . . I feel, however, that the authors attempted to prove too much. Intentionally or otherwise, they create the impression that New York is caught in a giant conspiracy of corruption — a conspiracy among Tammany Hall, big business, gambling syndicates, "the mob," City Hall, Carmine De Sapio, unscrupulous real-estate dealers, Robert Moses, Mike Quill, a dishonest police force and Sydney Baron. This is standard muckraking technique and makes the solution quite simple: "Throw the rascals out." Indeed, this is the final conclusion of the article, which urges the election of reform Democrats and a Seabury-type investigation by Governor Rockefeller.

But the conspiracy theory is not substantiated by factual allegations. Is it fair, for example, to link Robert Moses with Tammany Hall and Carmine De Sapio? It is a complete misunderstanding of Robert Moses' operation to link it with politicians or any political party. He is the most powerful individual in our city because for years he has created the impression of the incorruptible public servant standing above politics. He

(*Continued on page 381*)

'Shame of New York' on TV Panel Show

"The Shame of New York" will be the subject of debate on David Suskind's "Open End" program on Channel 13, WNTA-TV, Sunday, 10 P.M., November 22. Fred Cook and Gene Gleason, authors of the article, will participate in the program.

Channel 13 can be tuned in almost everywhere in the New York metropolitan area.

In This Issue

EDITORIALS

369 ●

ARTICLES

371 ● Should Labor Be Coerced?
by WILLIAM HAMMATT DAVIS

373 ● The New Labor Bill
by BENJAMIN AARON

377 ● Michigan's Scapegoat Governor
by B. J. WIDICK

379 ● Are Librarians Censors?
by DONALD E. STROUT

BOOKS AND THE ARTS

382 ● The Sense of a Decision
by W. S. MERWIN

383 ● Stains on the Common Law
by C. H. ROLPH

384 ● In Pursuit of a Civilized Society
by Y. H. KRIKORIAN

386 ● An Isle of Greece
by RICHARD ELMAN

387 ● Art
by FAIRFIELD PORTER

388 ● Theatre
by HAROLD CLURMAN

Crossword Puzzle (opp. 388)
by FRANK W. LEWIS

George G. Kirstein, Publisher
Carey McWilliams, Editor
Victor H. Bernstein, Managing Editor
Robert Hatch, Books and the Arts

Harold Clurman, Theatre
Maurice Grosser, Art
M. L. Rosenthal, Poetry
Lester Trimble, Music

Alexander Werth, European Correspondent

Mary Simon, Advertising Manager

The Nation, Nov. 21, 1959. Vol. 189, No. 2

The Nation, published weekly (except for omission of four summer issues) by The Nation Company and copyright 1959, in the U.S.A. by the Nation Associates, Inc., 333 Sixth Avenue, New York 14, N. Y. Second class postage paid at New York, N. Y.

Subscription Prices Domestic—One year $8, Two years $14, Three years $20. Additional postage per year, Foreign and Canadian $1.

Change of Address: Three weeks' notice is required for change of address, which cannot be made without the old address as well as the new.

Information to Libraries: The Nation is indexed in Readers Guide to Periodical Literature, Book Review Digest, Index to Labor Articles, Public Affairs, Information Service, Dramatic Index.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEW YORK, SATURDAY, NOVEMBER 21, 1959
VOLUME 189, No. 17

THE NATION

EDITORIALS

Time Marches On

Veterans Day was celebrated in strange fashion this year. On this anniversary, dedicated to the dead and living veterans of our wars, it was announced that in the forthcoming NATO maneuvers German and American divisions would serve under command of General Hans Speidel, formerly of the *Wehrmacht*. It is no longer called the *Wehrmacht*; in its latest incarnation it is the *Bundeswehr*. The name is not very important; it is still the German army — an army which was nearly victorious in two devastating world wars, in both of which it killed a good many Americans. In the second, at Malmedy, it also massacred some.

But it would seem that we must be reconciled to the new West German-American entente and, as a corollary, to NATO's becoming increasingly a West German-American partnership, at least until such time as the Germans can strike out on their own. The supernational character of NATO, and the restraints on German rearmament, are fast going by the board. The West German navy requests destroyers larger than the 3,000-ton maximum now specified, in order to accomplish its NATO mission of controlling the western part of the Baltic in the event of war. For the present, missile-armed 4,500-ton vessels will satisfy the West Germans. They are not likely to remain satisfied very long. Another request of theirs, which, like all West German military requests nowadays, is certain to be granted, is for authority to manufacture their own acoustic mines. Bonn is already permitted to manufacture Hawk anti-aircraft missiles. By 1963, West Germany is expected to have 1,000 jet planes of the latest type. The restrictions designed to prevent runaway German rearmament still exist on paper, but General Lauris Norstad, Supreme Allied Commander in Europe, is in favor of letting the Germans make about everything. The bans are outdated, in his view.

In General de Gaulle's view, it would seem that NATO itself is outdated. First he sent French NATO divisions, without NATO authority, to fight in Algeria. Then he withdrew the French fleet from NATO command. He forced Norstad to remove American aircraft from French bases because he — de Gaulle — would not accept American jurisdiction over American nuclear weapons. Now, in an important policy speech before the French Staff College, de Gaulle has announced that an integrated Atlantic Pact has had its day. France will consent only to "association" with its allies and will fight only its own wars, "using its men and its material, on its soil. [France] must defend itself, by itself and its fashion." West Germany is a more complaisant ally, at least for the present, and the liaison between the *Bundeswehr* and our forces is bound to become closer and closer. Any American veterans who are squeamish about this had better keep their mouths shut. Time marches on.

The Steel Strike Is Historic

It is always hazardous to write chapter headings for future historians. Nevertheless, we venture the statement that the current steel strike will be characterized by future labor historians as the event which marked a decisive reversal of the generally favorable environment which labor has enjoyed since the early thirties. From Roosevelt's first inaugural onward, American labor — despite many setbacks and some of the harshest struggles in its history — steadily gained strength relative to management. In the post-World War II years, something approaching equality of bargaining strength may actually have been achieved — for a brief period. But the countertrend which has set in with the steel strike will, in our view, continue for some years to come. It is, therefore, logical that sections of industry should seize on this moment in labor's history to clamor for direct, coercive governmental intervention in industrial relations. In effect, Big Steel is attempting to set the clock back — by decades. Unfortunately, it will not be the ripe wisdom of W. H. Davis (see article on page 371) that is likely to prevail when Congress reassembles in January, although his thinking may well influence the discussion, as it has on other occasions. It is the politician's growing realization of labor's weakness, not its strength, that will motivate demands — and this in an election year — to replace Taft-Hartley with still more restrictive legislation. If the deterioration in labor's position is not to continue — and in our view this position is already dangerously weakened — the Administration should insist that management and labor, under gov-

NOV 19 59
BH

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ernmental auspices if necessary, promptly formulate long-range policies designed to cushion the effect of automation and other trends that are currently undermining labor's strength.

Infestation of Hornets

At a civic luncheon in New York last week, Robert Moses compared himself to Aristedes the Greek (better known among classicists as Aristedes the Just); Baron Haussmann, the architect of Paris, and Archie Moore, the relatively indestructible prize fighter. In the same expansive tone, the Great Planner characterized his critics as "professional vomiters and mud-throwers," maggoty-brained chairmen of moribund civic societies, rattlesnake journalists, junior bloodhounds and unlicensed sleuths. He said that the excellence of his Title I program could not be appreciated because of an atmosphere made murky by "old vegetables, rotten eggs and dead cats." He denied that he suffered from delusions of grandeur and assured his hearers that he did not intend to beg for sympathy.

This virtuoso imitation of a man infested by hornets is gratifying: it enlivens the daily press and it demonstrates that Mr. Moses has again run out of arguments to defend his schemes and strategems. Despite the show of frenzy, the Supreme Builder retained a shred of sobriety that restrained him from naming, and giving publicity to, his temerarious opponents. But we hope that the references to rattlesnakes of the press, junior bloodhounds, etc., are at least in part allusions to *The Nation's* recent special issue, "The Shame of New York." We believe that Mr. Moses has in effect endorsed the findings of that report when he is forced to retreat to the hackneyed barricades of vegetables, eggs and cats.

This Time the Man

The five-man committee of Norway's Parliament that is charged with the duty of selecting nominees for the Nobel Peace Prize has of recent years been faced with an increasingly difficult task. Diogenes looking for an honest man had an easy task by comparison with the committee's effort to find someone genuinely, and effectively, devoted to the cause of peace in a world which has been preoccupied with wars and arms races for the last fifty years. Often, in half-acknowledged defeat, the award has gone to some well-meaning statesman. In selecting Philip Noel-Baker, however, the committee has chosen a man who not merely deserves the award, but who has earned it through years of consistent, intelligent, unselfish dedication to the cause of peace and disarmament. (See "Research Drives the Arms Race," by Philip Noel-Baker, *The Nation,* November 22, 1958). It is typical of Noel-Baker that he should have announced that his prize money would be devoted to furthering the cause of peace and that he should have accepted the award as having been made "rather to a cause than a man." But—Noel-Baker to the contrary — the point about this year's award is that it has gone to the man, not the cause.

Professional Wrestling

Hollywood has an ingratiating trick which consists of wrestling with its better instincts in the newspapers and reaping a pious reward at the box office. This week *Happy Anniversary* is doing excellent business in New York because, last week, the Production Code Review Board, the industry's own censorship machine, refused the film a seal of approval for a period of several hours.

The picture, starring David Niven and Mitzi Gaynor, involves pre-marital intimacies and the censors felt that the principals did not make sufficiently clear their regret for this reckless behavior. The Seal was forthcoming only when United Artists agreed to insert the following enigmatic remark into the sound track. Mr. Niven is speaking:

> I was wrong, I never should have taken Alice to that hotel room before we were married. What could I have been thinking of?

The British actor is in London at present and was therefore not available to recite the words, so the producers turned to Allen Swift, formerly of the "Popeye" television program and apparently a skillful mimic. Problems of synchronization were avoided by having the lines pass through Mr. Niven's mind, as it were, at a point in the film where he holds his head in his hands.

Richard Meyer, the film's editor, is now flying around the country to insert copies of the postscript introspection in fifty other released prints. It seems a great deal of work for the purpose of driving home the less than startling notion that engaged couples do well to avoid hotel bedrooms — but there can be no doubt that it is good for business. *Happy Anniversary* is now being wittily advertised as filmed in Sinemascope; *The New York Times* describes it as "more an offense to intelligence than to morality."

Soft

In the wake of the quiz scandal and the unsettled steel strike, the nation is undergoing one of its periodic searchings of its collective conscience, and political mentors offer the customary advice. One of these counsellors is, in the uncouth phrase of *Time*, "Democratic Presidential candidate Jack Kennedy" (*Time* knows perfectly well that Senator Kennedy has no plans to be selected, and that he goes about the country making speeches only out of an irresistible desire to enlighten his fellow-citizens). "The harsh facts of the matter are that we have gone soft — physically, mentally, spiritually soft,"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

says Non-Candidate Kennedy. "We are in danger of losing our will to fight, to sacrifice, to endure. The slow corrosion of luxury is already beginning to show." As a self-made young man, Mr. Kennedy is an authority on the Spartan virtues. And he may well be right, but the question is, whom is he addressing? If good living is bad for the citizen, the higher up one goes, the worse this must be. It would seem, then, that Mr. Kennedy must be bawling out the heads of the great corporations, who do their sacrificing with six-figure salaries, bonuses and pensions, and who can outdo even Kennedy in their appeals to the lesser citizens not to forget their heritage of guts and grit. But if deeds as well as words are called for, there is no great rush, on the part of these foremost beneficiaries of the free-enterprise system, to give up their corporate or private aircraft, hunting lodges, posh conventions or other perquisites. It is always the lower middle class which is to sacrifice what it hasn't got, and pull in its belt to the last notch. True, the fat cats are few and their cumulative sacrifice may not be enough to save us, yet they could set an example. The country is waiting.

What Negroes Are Thinking

A perspicacious visitor can tell a country much about itself: witness de Tocqueville, Lord Bryce, Ambassador Jusserand and others. Not the least of an honorable line is President Séku Touré of Guinea, a small African country which recently resigned from the French community. Mr. Touré revealed the basic reason in one of his speeches; the white colonists did not come to Africa to develop its resources nor to civilize its people, he said; they came to take over. And take they did, until there was nothing left for the aborigines except the right to work for the newcomers. Mr. Touré said and did other uncommonly sensible things. In a white country, he did not forget that he was a Negro, and he insisted on meeting "sons and daughters of Africa," as he called them. He also insisted on visiting at least one Southern state. Thus put on the spot, the State Department selected North Carolina. Governor Luther Hodges did the job handsomely at a state dinner, at which Negroes sat next to whites without damage to either race. In Los Angeles, Mayor Poulson, on his best behavior, heard Touré declare that "There are no complexes within us. We look eye to eye and consider all men brothers, of whom we have neither shame nor fear." The visitor spoke with some impatience of the world outside Africa being divided into two camps "with people more advanced than we, worried about doctrines." This theme was picked up by the Los Angeles *Tribune*, which referred editorially to the "senseless ideological struggle between Russia and the United States," which, it said, "does not exist for any of the black African leaders, save that puppet President of Liberia, William S. Tubman, who still calls the United States 'the mother country'. . . ."

It must shock Americans to learn that to vast populations the Cold War is a pain in the neck. But it would be wise for us to consider the possibility that in this respect such neutrals as the Guineans see more clearly than we do — not because they are inherently wiser, nor more imbued with good will toward their fellowmen, but simply because their technological backwardness has saved them from becoming involved in a struggle which, if continued, can only result in universal disaster.

SHOULD LABOR BE COERCED?.. *William Hammatt Davis*

AS THIS IS written, we are in the first week of the enforced eighty-day renewal of collective bargaining in the steel industry. The dispute may be settled by agreement in that eighty-day period. Yet we do not know, for sure, that it will be settled; that the health and safety of the country will not again be threatened by a renewal of the strike in this vital industry.

Whatever the event may be, the part of wisdom is to give calm and objective consideration and discussion, during this relatively relaxed period between now and January 26, 1960, to what the government should do if agreement by collective bargaining is not achieved and the strike is renewed.

The perilous thing about the Steel case is the breakdown of collective bargaining; the fact that employers and their employees in this basic industry are not able to agree on a contract of employment.

It takes little insight to recognize that contracts of employment reached by "collective bargaining," i.e., by processes of mutual persuasion, are the very heart and soul of "free enterprise." If employers and employees cannot agree, there is no enterprise; if they are forced to work without agreement, there is no freedom. The development of collective bargaining in "free enterprise" has, moreover, been a crucial factor in nullifying the basic assumption of Marxist philosophy—that an industrialized society was doomed to make the rich richer and the poor poorer until ultimately the "haves" would

WILLIAM HAMMATT DAVIS, a New York attorney, was chairman of the National War Labor Board, 1944-45; director of the Office of Economic Stabilization, 1945; and has served on various federal and state labor mediation boards.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

be overthrown by violent revolution of the "have nots."

But there are even deeper values in collective bargaining than these economic ones, fundamental as they are. The establishment of conditions of employment by agreement, central as it is to free enterprise, has a broader significance. It is the manifestation in industrialized societies of the pregnant fact that in the life of mankind creation is the victory of persuasion over force. It thus reflects the transcendent aim of civilized life. Without a directing aim, the life of man sinks to self-indulgence or relapses into senseless repetition. The growth of civilization depends upon the development of order in the affairs of men by reasonable persuasion. The tool of that development in our free-enterprise system is collective bargaining.

Thus, although compulsion can have a benign effect insofar as it establishes behavior essential to social welfare, yet it is always accompanied by the baneful effect that it stops the *progress* of civilization. It must, therefore, be limited to the very minimum essential for the preservation of the social structure.

It is upon such limitation of compulsion that the development of adolescents into adults depends. We grow in character and dignity not by compulsion in our relations with one another, but by reasoned agreement. The knowledge of good and evil and the freedom to choose the better and reject the worse, with which we are uniquely endowed, here comes into play.* Reverence for the dignity of man rests on these—his nobler qualities. It is upon them that we rely for the liberty of thought and action through which we visualize the upward adventure of life on earth.

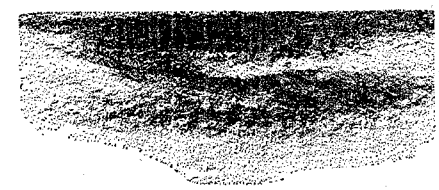
With these thoughts in mind, let's turn to the immediate concrete question: *What is to be done if failure of collective bargaining imminently imperils the social structure?*

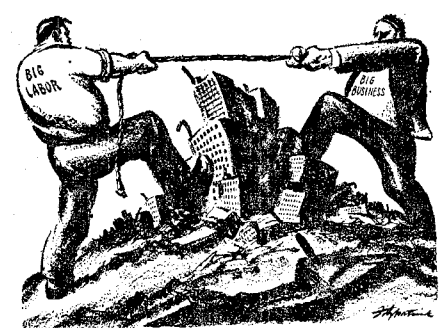
*I trust that no one will misconstrue the tone of this remark to mean that the writer is unaware that Screwtape and his associated minions of evil are always around, with their unreason, coercion, hatred and fear. That is, of course, *our* problem. It calls upon us individually for reason, freedom, understanding and courage.

In such an emergency, responsibility falls upon the constituted authorities, who must have the power to end the emergency by action. The first and immediate requirement is resumption of the interrupted production.

Our question then becomes: *How can production be restored with a minimum of compulsion and with maximum preservation of those fundamental principles of liberty which underlie our democratic society?*

Government, if it is to preserve the values of voluntary agreement, must not take sides in the dispute. This basic need exposes the inadequacy, in the absence of voluntary acceptance by the disputants, of governmental intervention by compulsory arbitration or by fact-finding boards, with or without the power to make recommendations. Compulsory arbitration destroys free collective bargaining and undermines free enterprise. Fact-finding boards cannot avoid suggesting, merely by reciting the facts, the course that should be followed to resolve the dispute. This concentrates the force of public opinion, in its presumably agitated state, upon the solution indicated by the report. It thereby imposes on the parties an overwhelming pressure of coercion, whether or not they approve the board's report and whether or not it represents a wise solution. It was to guard against such coercion that the Railway Labor Act, approved by the parties before Congress enacted it, expressly provides that neither party would be compelled to accept the recommendations of the fact-finding Presidential Board which the Act established. Only in time of war has a governmental body in our country been given power to impose its decisions on the parties to a labor dispute; and even then the power was given to a tripartite War Labor Board which was in itself the result of mutual agreement between industry and labor and a notable manifestation of collective bargaining in a time of national emergency.





St. Louis Post-Dispatch

What of Our Big Country?

MY CONCLUSION from considerable experience and from these considerations is that, in the absence of a real and immediate national emergency, the government ought to intervene in labor disputes only at the request, or with the consent, of the parties.

What, then, should the action of the federal government be when the breakdown of collective bargaining in a basic industry like steel imperils the national health or safety?

Firstly, it must enforce immediate resumption of production.

Secondly, it should, in its resort to force, hold on to the traditional principles of liberty that underlie our society.

The restoration of production. Emergencies interrupting essential production have often occurred, usually locally, in service occupations such as food, fuel and utilities (heat, light and power, transportation). Such emergencies have commonly been ended by action of the local authorities. We now know that such an emergency can be created by the breakdown of collective bargaining between powerful labor and management organizations in an essential industry of which the greater part is covered by contracts between organized industry and organized labor.

To my mind—and I am now speaking in general terms rather than in terms of specific provisions of a law designed to support emergency action by the President—resort should be had, for the purpose of immediate restoration of production, to the common law principle of the *posse comitatus* (power of the county). In such emergencies, the con-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

stituted authorities are clothed with the power to call on all members of the community to come to their aid. Every American knows what a "sheriff's posse" is. The application of that principle to the Steel case would empower the President to call upon all employees in the steel industry—all production employees and all managerial employees — to resume forthwith their duties in the industry. Indeed, the President might well be empowered to call upon *any qualified citizen* to aid in the production of steel.

By analogy to the accepted common law principle of the *posse comitatus,* all citizens would be obliged to respond to the calls made upon them. I think it is abundantly clear that no injunction addressed in general to either one side or the other would be necessary. And I am equally sure that an injunction addressed to one side and not to the other would do more harm than good to collective bargaining. And collective bargaining is, after all, the thing we would be trying to re-establish. The inadequacy of the one-sided injunction is abundantly shown, as has become very clear in the current public discussion, by the history of the eighty-day injunction under the Taft-Hartley Act.

Such an enforced removal from the domain of free enterprise, by governmental intervention, of an industry or a substantial part of an industry incapable of collective bargaining, should be thought of, I believe, as a temporary conversion to public use of the otherwise incapacitated private property of the persons involved; an exercise of the power of eminent domain within the provisions of the Fifth Amendment. This private property would include, of course, the labor of the production employees, the services of the managerial employees and the physical properties of the industrial groups involved. The enabling law should, I believe, require that the President, before this exercise of eminent domain, must proclaim a national emergency and immediately report the situation to the Congress.

The Fifth Amendment would call for "just compensation."

Just compensation. It may be assumed that the compensation of everyone concerned would continue, at least temporarily, on the basis of the wages, hours and working conditions and the price structure existing when production was interrupted. But under the Fifth Amendment it would be incumbent upon the President or the Congress to establish some "compensation board" or boards to investigate the situation, hear the interested parties, and report to the President whether the existing conditions are, and continue to be, "just compensation."

What the Congress might do if the action of the President did not rather promptly result in a settlement of the dispute would be a matter within the judgment of Congress in each particular case and presumably would depend upon the conditions of that case. It would, I suppose, be not general but *ad hoc* legislation.

However, my guess would be that if the procedure I have outlined, or something like it, were known to be in the offing, the parties would speedily recover their capacity to reach agreement in collective bargaining.

And the American people would have the satisfaction of knowing that the procedure contemplated was well within the principles of liberty enshrined in the common law and in the Bill of Rights of our federal Constitution.

THE NEW LABOR BILL . . *by Benjamin Aaron*

AFTER MONTHS of wrangling, Congress has enacted a new law which affects to a considerable, though as yet unknown, extent the internal affairs of unions, the activities of employers, union representatives and consultants, and the general conduct of labor-management relations.

Signed by the President on September 14, the new law bears the mouth-filling title, "Labor-Management Reporting and Disclosure Act of 1959." In common parlance, however, it is known as the "Labor Reform Act." The latter designation is misleading and is a product of the intellectual fog that has obscured much of the debate over the Kennedy and Landrum-Griffin bills, from which the LMRDA was fashioned. Actually, in addition to regulating the conduct of internal union affairs the new measure significantly amends a number of Taft-Hartley Act provisions affecting the conduct of collective bargaining. These amendments, rather than the highly publicized "bill of rights" for union members, constituted the principal areas of conflict between the sponsors and the opponents of the LMRDA. Indeed, they represent the first substantial changes in the Taft-Hartley Act since it was adopted in 1947, and in this respect organized employers have scored a clear-cut victory over their union opponents.

For organized labor the new law marks another bitter defeat and furnishes further proof that when it comes to legislative package-handling, union leaders are still apprentices. In this respect the Congressional battle of 1959 has its analogue in the 1949 campaign to amend Taft-Hartley. After President Truman, solidly backed by labor votes, scored his upset victory over Thomas E. Dewey in 1948, union strategists took the uncompromising position in the next session of Congress that Taft-Hartley must be repealed and the Wagner Act restored before any consideration could be given to

BENJAMIN AARON, formerly Executive Director of the NWLB and public member of the Wage Stabilization Board, is now Acting Director of the Institute of Industrial Relations at the University of California (Los Angeles).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

amendments favored by the Administration. Their insistence upon a "two-package" approach proved to be the first of many miscalculations of strength that contributed to the ensuing debacle, which culminated with the Administration fighting to preserve Taft-Hartley as a preferable alternative to the new bill Congress was prepared to adopt.

Again, this year, union leaders turned a deaf ear to the pleas of labor's friends, in and out of Congress, for support of a moderate bill aimed solely at the correction of the more flagrant abuses revealed by the McClellan Committee's investigations. Proponents of this approach argued that the more complex and controversial task of amending Taft-Hartley should be undertaken separately. The union strategists insisted, however, upon a "one-package" deal; they conditioned their support of the Senate bill, initially sponsored by Senators Kennedy and Ervin, upon the inclusion in that measure of certain "sweeteners" in the form of Taft-Hartley amendments long desired by organized labor. By so doing they laid the groundwork for the statute ultimately enacted, which is anything but moderate in its regulation of internal union affairs and the activities of union representatives, and which has tightened, rather than relaxed, the Taft-Hartley restrictions on labor organizing and bargaining tactics.

THE legislative battle is not the only loss the unions have sustained; of more fundamental significance, perhaps, is their failure to gain solid rank-and-file support of the position they have taken against the new law. Although it subsequently returned to haunt them, the epithet, "Slave Labor Law," which union leaders applied to Taft-Hartley at the time of its enactment, had a powerful influence on the rank and file; it engendered a fear and hatred of the law and helped to unite the great majority of organized workers against it. Today, however, the old shibboleths will not do the trick. Occasional references to the new law as a "killer bill" have not caught on, and many union members privately concede that the statute contains a number of worthwhile provisions. Indeed, a widely known and respected union leader in California recently expressed the view publicly that if the Landrum-Griffin bill (which was even more restrictive than the bill signed by the President) had been submitted by secret ballot to members of organized labor it would have been adopted by a greater majority than it received in the House of Representatives.

THERE IS little doubt that the new law strikes hard at a number of undemocratic or dishonest practices engaged in by some unions and their representatives. Moreover, it establishes as part of the national labor policy badly needed standards of fairness and honesty in the handling of union funds and in the conduct of internal union affairs. The statute

sets up guarantees with respect to the rights of union members to equal participation in union affairs, freedom of speech and assembly, reasonable and uniform dues, initiation fees and assessments, freedom to sue unions and their officers, and fair treatment in disciplinary cases. These provisions are based on the entirely defensible theory that since union strength is grounded in large part on statutory powers of exclusive representation, the rights of union members, as members, in matters directly affecting their livelihood must not be permitted to be substantially less than their rights as citizens.

Yet behind all the pious declarations in favor of more democracy within unions lies a depressing failure on all sides to deal with one great unresolved issue: the continued discrimination by many local and international unions against racial minorities, especially Negroes. The new law does not include one specific prohibition against these practices; worse than that, no such proposal was sponsored by any labor or management group, nor was the issue seriously debated in the House or Senate. To talk of democracy while deliberately avoiding a showdown on the undemocratic and indefensible practice of racial discrimination in employment and collective bargaining is to engage in the most reprehensible form of intellectual dishonesty.

Unquestionably, the most popular features of the new law are the provisions governing the handling of union funds and regulating the activities of union officers in positions of trust. The principal technique employed is disclosure. Every union must file annually with the Secretary of Labor a detailed financial report. In addition, it must make the information contained in the report available to each of its members and must let any member who shows "just cause" examine records necessary to verify the report. Union officers and employees must also file annual reports of all conflict-of-interest transactions in which they or their wives or children have engaged. Theft or embezzlement of union funds is expressly made a crime, punishable by fine and imprisonment.

A further provision requiring the bonding of union representatives or employees who handle union funds or property may have far-reaching consequences. No bond may be placed through a broker or with a surety company in which any labor organization or any union representative has an indirect interest. Moreover, officers must be bonded individually, in an amount equal to 10 per cent of the funds handled, and the surety selected must be an American company approved by the Secretary of the Treasury.

The net effect of these requirements, violation of which is punishable by fine and imprisonment, is to place great power over unions in the hands of bonding companies and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

greatly to increase the costs of bonding. Union officials predict that any representative who has ever had even a minor brush with the law will have difficulty getting a bond. The concern over bonding costs is reflected in a recent report by the Teamsters. Formerly, that union paid Lloyds of London 35 cents per $1,000 on a policy covering all officers. Under the new law as many as 8,000 union officers may require individual bonding by an American company at a cost that may go as high as $11.75 per $1,000.

The disclosure requirement also applies to employers and labor-relations consultants. Each must report annually to the Secretary of Labor on all payments made or received for the purpose of influencing employees in the exercise of their rights to organize and to bargain collectively, as well as all transactions with union representatives involving conflicts of interest.

An ambiguous exception is provided in the new law for attorneys, who, to the extent they serve as advisers in labor matters, are subject to the reporting requirements applicable to consultants. Information "lawfully" communicated to an attorney in the course of a "legitimate attorney-client relationship" need not be disclosed.

THE NEW law also regulates in considerable detail the administration of union trusteeships and the conduct of union elections. Statutory requirements with respect to the former seem reasonable. They require prompt reports to the Secretary of Labor every time a subordinate labor organization is placed under trusteeship, explaining the reasons for the action taken by the parent organization and the conditions that will prevail during the period of trusteeship. Related provisions are designed to safeguard the funds of the "trusteed" local and the voting rights of its members. Trusteeships established according to the constitutional procedures of the union and in conformity with statutory requirements are presumed valid for eighteen months; thereafter, the presumption is reversed. Suits to restrain violations and for other appropriate relief may be brought either by a member or subordinate body of a labor organization or by the Secretary of Labor.

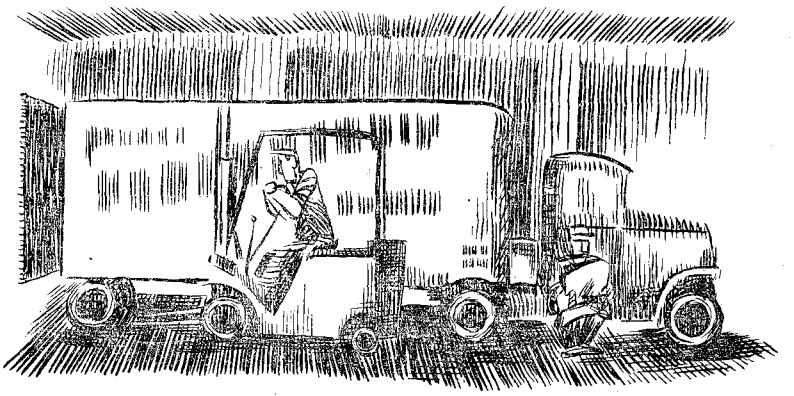
The wisdom of the new regulations with respect to union elections is more debatable. The rules governing the frequency and procedures of elections are not unreasonable, but related provisions, empowering the Secretary of Labor, on the complaint of a union member, to file an action in federal court to have an invalid election set aside and a new one held, raise serious doubts. Union constitutional procedures for the conduct of elections vary widely; for most federal courts the entire area is *terra incognita*. Moreover, the Secretary of Labor is vested with power to prescribe rules for the conduct of new elections ordered by the court, and it may be assumed that these will be applied uniformly. This is a little like making everyone wear the same size shoe. Finally, while individual union members may sue in state courts to prevent violation of constitutional election procedures *prior* to the election, the only remedy available *after* the election is the one prescribed by statute. It is doubtful whether this remedy will be prompt enough in aggravated cases to be of much use.

The provisions of the new law amending the Taft-Hartley Act mark the culmination of more than a decade of hitherto frustrated efforts by employers and unions to obtain certain changes. Although employers have won a clear advantage, the amendments seem to contain something for everyone.

With respect to the complex problem of what to do about the jurisdictional "no man's land," the amendment provides only a partial solution which may create almost as many problems as it solves. Under Taft-Hartley, the NLRB was the only agency empowered to decide certain types of labor disputes. It refused, however, to take jurisdiction of some of these on the ground that their impact on interstate commerce was relatively inconsequential. Parties to those rejected cases were thus left without a forum in which to resolve their differences. The board may now, by decision or by published rules, decline to assert jurisdiction over certain classes of cases, provided that it does not refuse to handle any it would have taken as of August 1, 1959. Cases of the type the board declines to take may be heard by state courts or administrative bodies.

This arrangement strikes a compromise between advocates of complete federal pre-emption and supporters of states' rights. How much of the problem it will actually solve remains to be seen. Among the more difficult questions to which the compromise gives rise are, first, whether in a given case a state court or agency must await a determination by the NLRB that it declines jurisdiction, or can simply decide that question for itself; second, whether the state, court or agency, if it takes jurisdiction, will apply state or federal law; and third, if states do apply federal law, what effect their decisions, which are bound to conflict in some particulars with each other, with NLRB rulings, and with federal court decisions, will have on the law and on labor-management relations.

Unions have taken the biggest beating in amendments tightening up Taft-Hartley restrictions on picketing and secondary boycotts. Organizational picketing within twelve months after an NLRB election or after an



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

employer has lawfully recognized another union is prohibited altogether. In other circumstances such picketing cannot continue more than thirty days unless the union files a petition for an NLRB election, which the law specifies must then be held "forthwith." Picketing for the purpose of "shaking down" the employer, rather than of achieving a legitimate union objective, is made a federal crime, punishable by a fine of up to $10,000, a jail term of up to twenty years, or both.

The restrictions on picketing are aimed primarily at those unions which prefer to organize the employer rather than the employees. They do not impose unreasonable limitations on free collective bargaining. Presumably, the definition of extortionate picketing will be narrowly construed; even so, the prescribed criminal penalty seems unduly harsh.

Amendments relating to "hot cargo" agreements and to secondary boycotts are more controversial, since they have the effect of outlawing what many regard as legitimate weapons of economic competition between employers and unions. "Hot cargo" agreements, under which an employer agrees that his employees need not handle goods of an "unfair" employer, had a precarious status even before the passage of the new law. While they were not illegal and could be enforced by peaceful appeals to the employer to abide by them, union attempts to enforce such agreements by persuading employees to strike or to refuse to handle the "hot" goods were illegal. The statutory amendment goes further and makes it an unfair labor practice to enter into express or implied arrangements of this type, which are further declared to be unenforceable and void. Limited exceptions are made for construction subcontracting and for jobbing in the garment industry.

The Taft-Hartley ban against secondary boycotts has not hitherto included union pressure applied directly against a secondary employer or the inducement of his employees, as individuals, to stop work or otherwise support the boycott. An amendment in the new law closes the gap by outlawing both practices.

For some unions, however, the new law has a lining of pure silver. Certain practices in the building and construction industry, formerly unlawful, have now been legalized. Thus, an employer primarily engaged in that industry may now enter into a contract with a union before any workers have been hired on the job. In states which do not have "right-to-work" laws, union-security contracts in this industry may require employees to join within seven days of employment, instead of the usual thirty days. Contractors may also be required to notify the union of job openings and to give priority for employment on the basis of length of service in the industry or the area.

These provisions, taken together, come about as close to legalizing the closed shop in the construction industry as can be done without expressly saying so. On the other hand, they are based on practices which antedated Taft-Hartley and which were never effectively eliminated.

ALL unions will presumably approve of the drastic modification of the provision in Taft-Hartley relating to voting rights of strikers in NLRB elections. That rule in most cases made strikers ineligible to vote if they had been replaced. During his 1952 campaign, President Eisenhower called this a "union busting" provision and pledged himself to eliminate it. The amendment in the new law does not go quite that far, but it does allow replaced strikers to vote in an election held within twelve months from the date the strike began.

Finally, the entire nation has cause to rejoice over the amendment repealing the Taft-Hartley requirement that union officers file non-Communist affidavits with the NLRB as a condition precedent to their organization's using the machinery of the National Labor Relations Act. True, the new law substitutes a provision that convicted criminals or former Communist Party members may not hold union office or serve as labor-relations consultants for a period of five years from date of conviction, completion of prison term, or resignation from the party. These latest prohibitions have also been attacked as vindictive and unfair, but they have at least two enormous advantages over the old one. First, the criminal penalties for violation are applied only to the individual involved; his union is not penalized for his wrongdoing. Second, the law no longer requires any person to swear that he does not believe in a particular ideology.

ANY ATTEMPT at this time to assess the impact of the new law on the persons and institutions covered by its terms is, of course, premature. As in the case of Taft-Hartley, it will take many years before the courts determine what some of its provisions mean. The draftsmanship is far from elegant, and the law abounds with ambiguous words and phrases. Moreover, since the bill finally adopted by Congress was an amalgam of a number of others and lacked a single sponsor who could make a record of authoritative explanations, as the late Senator Taft did when the bill bearing his name was being debated, the courts are not likely to get reliable guidance from the legislative history of the LMRDA.

With respect to those provisions in the new law aimed at curbing abuses uncovered by the McClellan Committee, the critical question is whether they will effectuate their intended purposes. Legislating democracy is an experiment at best, but it is an experiment that should be made. Certainly, it should now be considerably harder for dishonest persons to loot union treasuries or to further their own financial interests at the expense of union members. That the stringent statutory controls over union internal affairs will promote substantially more democracy is a much more debatable conclusion. The bewildering array of forms to be filed, records to be kept and procedures to be observed may simply enhance the power of the professionals in the union bureaucracy and widen the gap between the membership and those who make key decisions in their organizations. On the other hand, many international unions have maintained discipline over powerful locals only through practices outlawed by the new law. With the relaxation of those controls, employers may be faced with a new kind of democracy they neither anticipated nor desire—a democracy expressed in terms of exorbitant demands and irresponsible bargaining

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

practices, of refusals to ratify "firm" agreements reached by negotiating committees, and of wildcat strikes.

Many of the administrative functions under the new law are placed in the hands of the Secretary of Labor, rather than in an administrative agency. The way in which he exercises the formidable powers of investigation and prosecution placed at his disposal can mean life or death to a union. The present Secretary has already given unions public assurance that he will administer the law fairly and without vindictiveness. Even so, the wisdom of endowing one man with so much authority is open to question.

The Taft-Hartley amendments included in the new law have been flagrantly misrepresented as part of the legislation needed to clean out corruption and to establish democracy in unions. They are nothing of the sort, but they cannot be condemned simply for that reason. Their validity must rest on proof that they were needed to redress a dangerous imbalance of power between unions and employers and that they have not destroyed the basic equilibrium of labor-management relations in this country.

MICHIGAN'S SCAPEGOAT GOVERNOR . . . *B. J. Widick*

Detroit

MICHIGAN'S problems may be conveniently divided into (1) a cash crisis, (2) a tax crisis and, most important, (3) a political crisis involving, among other things, the future of the state's educational system and the personal political fortunes of Governor G. Mennen Williams, once considered a serious contender for the 1960 Democratic Presidential nomination.

Everyone here agrees that the state is in a mess; the question is, who or what is responsible? A propaganda campaign has sought to lay the blame on Governor Williams—a campaign so blistering that even some normally pro-Republican papers have warned against its excesses. In any case, objective observers tend to discount the charges against the Governor; as a Democratic New Dealer, he has been re-elected six times in a normally Republican state, and his most consistent support has come from the labor and liberal vote; it would have been surprising if he had not made bitter enemies among those who, in New Deal days, would have been termed "economic royalists."

Rather more acutely than most states, Michigan has been suffering from a prolonged tax crisis. Since 1947, its population has grown by more than 1,500,000; for most of this period employment in the state has been dwindling. At the end of the Korean War, in 1953, there were 221,000 defense jobs; at the close of last year, there were only 30,000. Growing decentralization and automation in the auto industry resulted in a further drop in employment. Then came the 1957-58 depression, which probably hit Michigan harder than any other state. Adding to the difficulties arising from a growing population and a dwindling income is the fact that, by virtue of a state constitution adopted in 1908, only a third of the state's revenues are at the disposal of the legislature; the remainder is earmarked for specific purposes and cannot be touched *except* for these purposes.

In recognition of these difficulties, the legislature last year appointed a Tax Study Citizens Advisory Committee, composed of experts from universities, industrial and labor circles, under the chairmanship of Frank E. Siedman. In its report, the committee pointed out: "At the beginning of the 1958-59 fiscal year, the state deficit was $21,000,000 despite a moratorium on all general-fund capital projects for the last two years. This, added to the estimated deficit for fiscal 1958-59, including the apparent deficiency in the school-aid funds, meant that by June 30, 1959, the accumulated deficit would approximate $100,000,000." The report discussed at length the regressive character of the state tax structure: the typical taxpayer earning less than $2,000 a year was paying nearly 20 cents in state and local taxes for each dollar of income, compared to the 6 cents paid by taxpayers in the $7,000-$10,000 bracket.

The report ended with a series of recommendations upon which the Governor based a tax program which he presented to the legislature on January 3, 1959. The program provided:

1. A graduated personal-income tax ranging from 2 to 6 per cent, exempting most families with incomes of less than $5,000 a year.

2. A levy of 5 per cent on corporation profits and of 7 per cent on banks, building and loan associations and other financial institutions.

3. Reduction of corporation franchise fees from their present yield of $50 million annually to $5 million (this would relieve the tax burden on approximately 73,000 small businessmen).

4. Repeal of the present levy on "intangibles."

The net effect of the proposals would have been to raise an additional $140 million in revenue which the Tax Study Committee had said was necessary to achieve a balanced budget. But the program never got off the ground. The Detroit *Times* greeted it with the headline: "Michigan Income Tax Plan Dictated by U.A.W." (an administrative assistant to Walter P. Reuther of the Auto Workers had served on the Tax Study Committee). Republicans insisted that the way to meet the state's fiscal problems was simple: increase the sales tax. The debate so confused the issues that even Democrats were dubious of the Governor's program until, in a personal

B. J. WIDICK, who has written extensively on labor problems, is co-author, with Irving Howe, of The U.A.W. and Walter Reuther.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

appearance before the State Democratic Convention in February, he explained that an increased sales tax was not only of doubtful constitutionality, but was clearly a "soak the poor" maneuver.

THE REPUBLICAN National Committee got into the Michigan act with a brochure entitled "Welfare State Hits Bottom" which was so partisan that the independent Detroit *News* was led to say editorially:

> For the disastrous economic policies the [Republican National] Committee attributes to Michigan, some major responsibility lies with the legislature. That body, the document neglects to say, was completely Republican-controlled until last January, and technically is still under GOP management.

Michigan's legislature, like that of most states, is heavily weighted in favor of rural areas: Wayne County, which includes Detroit, comprises 40 per cent of the state's population, but is allotted only 20 per cent of the state's senate seats. Thanks to this rural weighting, the GOP won the upper house, 22 to 12, in last fall's elections; the lower house was divided, 55 to 55. The GOP was thus in a position to frustrate any tax proposal it didn't want. And the only proposal it wanted was for an increase in the sales tax.

At long last, the legislature succumbed to the hard core of GOP state senators and approved a 1 per cent "use" tax, despite warnings that the levy was clearly a sales tax and would raise the state sales-tax rate above the constitutional limit. Last month—after $14 million had been collected at retail level under the new law—the state supreme court, by a vote of 5 to 3, threw out the sales tax. The majority said:

> The citizens of this state are under no illusion. The tax payable upon a retail purchase has been increased above the 3 per cent rate despite the prohibition in the constitution. . . .

The GOP immediately pointed out that the court's vote was strictly along party lines: five Democrats against three Republicans. This may have been a good propaganda point for the Republican Party; it didn't help to solve Michigan's financial problems. At Lansing, the political

Governor Williams

deadlock resumed, the Governor now insisting that it was up to the Republicans in the legislature to come up with some new proposals, and the GOP legislators insisting that the responsibility was the Governor's.

The latest turn of events threatens the jobs of 7,500 state employees (the state has already had trouble meeting payrolls); thousands of students face the loss of various kinds of assistance they have been getting at state universities; and the whole educational system may be forced into a retrenchment that could prove disastrous.

HOW EXPLAIN the legislative deadlock which has prolonged Michigan's financial crisis? Last April, the political writer for the Detroit *Times* wrote:

> Some Democrats and Republicans have joined hands in one of the ugliest Lansing political conspiracies seen here in years. A hard core of Republican senators are determined to discredit Williams at any price. They want to blast him out of the 1960 Democratic Presidential campaign regardless of state suffering.

In clarification of Democratic complicity in the anti-Williams drive, the writer noted that "aligned with the [GOP] opposition for the first time are five politically hungry Democratic senators who want to insure their re-election. They look upon Williams as a lame duck who is bowing out of state politics after 1960."

The irony of the savage attack on Governor Williams is that this year no one except some GOP pundits was taking him seriously as a 1960 candidate. Significantly, the U.A.W. invited five Presidental candidates to attend its recent Atlantic City convention: Rockefeller, Nixon, Humphrey, Kennedy and Symington.

BUT whatever blame attaches to the GOP legislators at Lansing for Michigan's miseries, they don't control the state party nor lay down its policies. For this, one must look into the executive suites of General Motors and Ford. A few weeks ago Will Mueller of the Detroit *News* described the machinations of Arthur Summerfield, a former G.M. car distributor and now U.S. Postmaster General, to oust Paul Bagwell as prospective GOP candidate for Governor next year. Bagwell, an able and personable teacher at Michigan State University, ran unsuccessfully against Governor Williams in 1958, but did well enough to assure his candidacy in 1960, or so everyone thought. But Summerfield didn't like him, and recently came to Detroit and proposed to the top brass of Ford and General Motors that he be dumped. General Motors agreed, but Henry Ford, apparently disliking the idea that the Postmaster General, an ex-G.M. man, should dictate Michigan's next governor, demurred. In the ensuing argument, Ford won; and, according to the *News*, the head of the Ford empire then turned to Bagwell and said, "We will furnish all the dough that is needed for you."

In the light of this incident, the charges of bossism frequently hurled at Michigan's Democratic Party, and against Walter Reuther as the alleged "maneuverer" of Democratic politics here, ought of right to boomerang. But somehow or another the smoke-filled rooms of powerful Republican string-pullers never get the same kind of thorough airing in the nation's press that is accorded the smoke-filled rooms of Democrats—or trade unionists.

Meantime, the state can derive some hope from the activities of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

George Romney, president of American Motors (manufacturer of the Rambler car), who is apparently as much a heretic politically as he is in the automobile field. Romney, who gained considerable stature locally as head of a Detroit Citizens Advisory Committee which did excellent work in solving some of the city's school problems, is now setting up a state-wide study of Michigan's tax and legislative needs and of the advisability of calling a new constitutional convention. With the help of a group of university men and independent businessmen, he hopes to have a series of recommendations ready by next year's elections. How he and his Citizens Committee for Michigan fare against the Arthur Summerfields of the GOP should provide another interesting chapter in this state's turbulent political history.

ARE LIBRARIANS CENSORS? . . *by Donald E. Strout*

DAILY, in more than 36,000 school and public libraries from one end of the land to the other, librarians go about the slow and often arduous task of building library collections. They are, as one writer has put it, "trustees of the public's right to know," plying their trade in "the market place of ideas." Their public ranges the full span of man's traditional seven ages, with interests and needs as broad and far-reaching as the limits of man's knowledge. Their libraries range from a single room to great, multi-storied structures and the sprawling branch systems of metropolitan areas. Their work is undramatic, unsung, often misunderstood, sometimes pilloried—and, once in a while, praised. But on each of them rests a traditional (and awesome) responsibility which unites them in a common purpose — the preservation, provision and utilization of print for man's information and enjoyment.

The principles by which they work are summed up in the Library Bill of Rights (later expanded somewhat in the "Freedom to Read" statement of the Westchester Conference of Librarians and Publishers): (1) that material presenting all points of view concerning the problems and issues of our time shall be provided to all comers; (2) that in no case shall material be excluded because of the race, nationality, or political or religious beliefs of an author; (3) that material shall not be removed from libraries because of partisan or doctrinal disapproval.

Thus, willy-nilly, the librarian is right smack in the thick of controversy. For these principles give rise to problems of considerable magnitude. It must not be forgotten that, aside from other factors, the simple act of picking and choosing from among the 13,000 or more titles published annually in the U.S. alone involves, in all except the very largest libraries, also the act of rejecting, either by default or design. And in a climate where fears, pressures and tensions often dominate, and where the urge to conformity is everywhere evident, the risk of a librarian's being (to use a somewhat old-fashioned phrase) "damned if he does and damned if he doesn't" is very real, indeed.

The United States is a pluralist society. Nowhere is this pluralism more evident than in the pressure groups which seek to influence the librarian — groups whose motives, however well-intentioned, often lead them into strange, if not indefensible, ways. There are the "patriotic" groups, like the American Legion, the D.A.R., the V.F.W., the Minute Women of the U.S.A., with their manifest concern over things (including books) "anti-American," "pro-Communist," "pro-One World" *et al.* There are the "citizen" groups, like the P.T.A., the Citizens for Decent Literature, Inc., and the variety of local bodies, which in their concern for the "protection of the young" set off "anti-obscenity" drives by the score. These, in turn, are joined at national and local level by the "church" groups: the Catholic National Office for Decent Literature, the more recently formed Protestant Churchmen's Committee for Decent Publications, and the myriad denominationally-oriented organizations, all similarly concerned with the reading habits of the young. Then there are the quasi-official state groups, like Rhode Island's Commission to Encourage Morality in Youth, and Massachusetts' Obscene Literature Control Commission.

Local police, city councils, county attorneys, district attorneys, state legislatures and their members, the U.S. Congress and individual Congressmen and, of course, the Post Office Department and the Postmaster General, serve to round out the register of the forces whose moves drastically alter, if they do not indeed shape, the climate wherein librarians move and whereof they are a part.

THE FREQUENCY with which pressures from these and other sources are brought to bear on libraries can never be fully known. The cautious librarian quietly capitulates; the conscientious, courageous librarian stands firm—and, if the pressures are prolonged, makes headlines. Since 1952 (when the *Newsletter on Intellectual Freedom* was started), at least twelve libraries have been under severe pressure to remove "subversive," "anti-American," "un-American," "pro-Communist" or "pro-One World" material from their shelves: the Boston Public Library and the Los Angeles school system, along with libraries in Kalamazoo (Mich.), Adams (Mass.), San Antonio (Texas), Mt. Lebanon (Pa.), Akron (Ohio), Punxsutawney (Pa.), Woonsocket (R.I.), Orlando (Fla.),

DONALD E. STROUT is editor of the Newsletter on Intellectual Freedom *of the American Library Association and Professor of Library Science at the University of Illinois.*

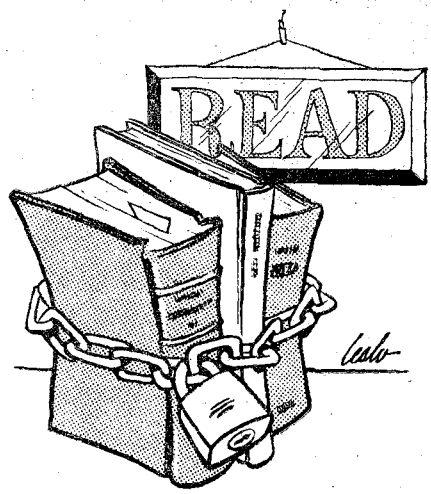
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Riverside (Calif.) and North Canton (Ohio). In another four libraries (Illinois State Library; Galion, Ohio, schools; Charleston, W. Va., Public Library; Queens Borough Public Library), outside pressures were directed against "obscene" or "objectionable" books. In recent weeks, libraries in the South are reported under attack for fostering "interracial propaganda," among them the Alabama State Library and the Shreveport, La., Public Library. Demands not to show Chaplin, "pro-Communist" and otherwise "objectionable" films have confronted librarians in Peoria (Ill.), Phoenix (Ariz.), East Orange (N.J.), Glendale (Calif.), and Hicksville (L.I.).

But the number of occasions when libraries *directly* experience pressures from the outside is far less relevant than the fact that the pressure groups exist, and that they are strong and vocal. Their existence, their strength, their vocalness serve to engender a pervasive and spreading climate of fear. Again, however well-intentioned they may be, they are at cross purposes with the library enterprise, at least as ideally conceived. They are guardians not of the public's right to know, but of the public's right to know only the "right" things. Their main aim, in its simplest terms, is to protect and prevent, rather than to provide.

These outside pressures, however, whether successfully resisted or not (and the record where known shows that librarians do resist and are generally successful), constitute but one of the two major components of the selection-censorship situation. The other major component is the librarians themselves. Luther Evans, former Librarian of Congress, commenting on the demands of pressure groups vis-à-vis librarians, once put it this way:

> [This] is a very real danger and it has caused many librarians throughout this land to chisel a bit on the doctrines by which they have lived in the past. The amount of that chiseling can never be known, because so much of the evidence is locked within the inner consciousness of frightened librarians. This book, that book, this pamphlet, that pamphlet, this motion picture, that motion picture, is excluded from the selection process because it is feared some group in the community . . . may be ready to pounce on the librarians for choosing it.



A RECENT study (*Book Selection and Censorship; A Study of School and Public Libraries in California,* by Marjorie Fiske, University of California Press, 1959, $3.75) has thrown considerable light on "the *amount of chiseling*" referred to by Mr. Evans by revealing not a little of the evidence which is "locked away in the inner consciousness of frightened librarians." In the course of the study, 204 interviews took place with school librarians and administrators in forty-six senior high schools and with librarians in forty-eight municipal and county library units located in twenty-six communities, representing library service to a majority of California's population.

Put in general terms, the Fiske findings are shocking enough. A surprising proportion of librarians reveal themselves as weak and timid in the act of selection by practicing a kind of ignoble and debased under-the-counter censorship in deliberately avoiding the controversial. Far the most frequent source of objections to controversial books, Miss Fiske found, were not the library patrons, not parents zealously protecting their children, but the librarians themselves. Yet paradoxically, when complaints did originate with patrons or parents, the librarians have often stood their ground and refused to take restrictive measures.

Expressed in more specific terms, the findings are even more disturbing. Of the librarians interviewed, 18 per cent *habitually* avoided, and another 41 per cent *sometimes* avoided, any material which, in Miss Fiske's words, "is known to be controversial or which they believe might become controversial." Nearly one-third acknowledged that, at one time or another, they had permanently removed controversial material from their collection. Miss Fiske found that restrictions of various sorts had been put upon the use of controversial material in 82 per cent of the circulating library units covered by her study. Over two-thirds of the restrictions were in response to objections from *librarians themselves,* or others directly connected with the institution. When the complaints originated within the system, the controversial book was removed or restricted in 85 per cent of the cases; again, paradoxically, when the complaints came from *outside,* the book was removed or restricted in only 44 per cent of the cases.

Miss Fiske's enumeration of the ways whereby a book is "restricted" is illuminating. Most frequent methods: transfer the book to the librarian's office; place it on the "reserve" shelf (so the patron has to ask for it); place it *under* the front desk; place it *behind* the front desk; place it in a locked case. Another rather popular method, one gathers, was explained by one librarian: "Oh, I just put the book away for a while" —the whereabouts of the "away" and the length of the "while" not being specified.

Some of what Miss Fiske reports verges on the ludicrous. There was the librarian who had President Eisenhower's freedom-to-read statement pasted on the outside of a *locked* bookcase. There was the librarian who reported, matter-of-factly, that she found the little "Gift" stamp a most convenient device for labeling *all* controversial materials, whether the material actually was a gift or not. The capper came when the librarian who "just put a book aside for a while" led Miss Fiske to her "aside" room. The room contained 2,000 volumes!

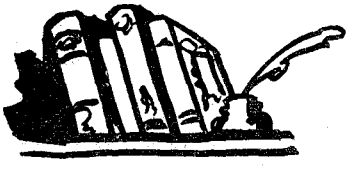
The most frequent cause for librarians' locking up, putting away,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

or otherwise restricting books was "sex and obscenity" (46 per cent). Next in order: politics (19 per cent), profanity (10 per cent), race and religion (9 per cent).

Miss Fiske documents her findings with an impressive array of summaries, analyses and cross-analyses of data which are likely to prove of greater interest to the librarian than to the general reader. Of perhaps more than passing interest to both, however, is her treatment of "outside" pressures and their effects on libraries in California. Here her findings take on a brighter hue. She reports only two book-centered "community conflicts" (i.e., wherein major population segments were involved) and only seven "public episodes" (i.e., known to the community, but not involving major population segments) since World War II. In one of the two large-scale conflicts (Mill Valley), a crusade to purge the school library, led by a housewife, was scotched by the librarian, a sympathetic press and an outraged citizenry. The other (Los Angeles) was the scene of a bitter and prolonged struggle over UNESCO in the schools; and the libraries, along with the whole educational system, suffered a jarring defeat. Miss Fiske concludes her account of these conflicts with these words: "A number of both school and public libraries reacted to these conflicts with precautionary or restrictive measures. These actions, with very few exceptions, were initiated within the school or library system, without impetus from the local citizenry." And at this point another paradox (the Fiske study has many of them) emerges: though the Mill Valley conflict was a victory for freedom to read, and the Los Angeles conflict a defeat, it was the Mill Valley incident which was more often cited as justification for restrictive moves in other libraries throughout the state.

ONE would be grievously remiss in taking leave of Miss Fiske's study without noting what she calls, in a happy phrase, the "semantic conveniences" which librarianship possesses in such bounteous—and dismaying—profusion. A "balanced collection" was explained by her respondents in a half-dozen or more ways; perhaps the most ingenious was, "You provide as much as you can of what anybody wants." A librarian must be sure to read the books which are "too good" (i.e., won't circulate) or "too bad" (i.e., risqué or politically dubious) before selecting them. "Controversial" is not only an ugly word; it is at times a useful and convenient one to cloak a multitude of less desirable ones. And in turn, there are endless circumlocutions (or semantic conveniences) for "controversial": "not suited to our collection"; "not in good taste"; "not appropriate"; and (from my own experience applied often to *Lolita*) "doesn't fit in with community interests." And the school librarian has a couple of well-nigh perfect reasons for rejecting a book: it either "doesn't supplement the curriculum" or it "is at too advanced a reading level." The words "select" and "screen" are, of course, much to be preferred to "censor," which is (in



librarianship as elsewhere) a word to be avoided at all costs.

The Fiske Study is a welcome one. More and more of them are needed to produce more and more of the evidence locked up in that inner consciousness of frightened librarians, to uncover the myriad and complex pressures operative inside and outside the individual librarian and to reveal the effects of these pressures on the development of his philosophy of book selection.

Nothing could more strikingly illustrate how individual, and how dramatically contradictory, such philosophies can be than the reactions of two librarians who were pressed to remove a book from their shelves. One did; the other didn't. Said the first, flatly, "You don't jeopardize a whole institution for just one book." Said the other, saltily, "The question is whether we are to be dictated to by every Tom, Dick and Harry who decides he wants a book removed. If we are, there'll be no end to it. We'd just as well shut the doors right now."

LETTERS

(*Continued from inside front cover.*)

has been appointed and re-appointed by reformers and regulars of both political parties, honored by universities, praised by the press and civic organizations. Only a few months ago, despite the publicity which the Title I mess had already received, these supporters joined in a chorus of praise on the occasion of the city's postponement of Moses' compulsory retirement. Where were the leaders of New York's Democratic reform movement then? They were busy campaigning against De Sapio.

The blame for Moses and Title I is shared by the entire city and state—by the liberals who drafted and supported an incredibly inept Housing Act of 1949; by the Republican governors who have given Moses state-wide power and by Democratic mayors callous to the needs of citizens pushed around by his concept of progress; by the real-estate people, architects and politicians who profit from being in his favor; and, most important, by a public which believes that it is important to get something done, regardless of what or how.

And who is to blame for Mayor Wagner's shortcomings? Have we forgotten so quickly that Adlai Stevenson, Eleanor Roosevelt, Herbert Lehman and other noted liberals supported Wagner when he ran in 1953, and that the reform movement sought Wagner's support after the 1958 Buffalo convention? Did not the citizens of New York elect him in 1957 by the greatest plurality ever achieved by a New York mayor?

The problems raised by Cook and Gleason are enormous. They can be solved only by the patient dedication of New Yorkers to improving their neighborhoods, housing, schools, playgrounds, parks, hospitals and community services; by the election of political leaders at all levels who will respond to community needs; by the willingness of high-caliber people to run for office. We delude ourselves by thinking that the election of a group of so-called reform candidates or a state-conducted investigation will solve New York's problems. A Rockefeller-conducted investigation would be geared more to the immediate publicity impact than for genuine civic improvement.

I do not know that there has been a conspiracy of corruption at the top. I do know that there has been a conspiracy of apathy at the bottom.

NORMAN REDLICH

New York City

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BOOKS and the ARTS

The Sense of a Decision

PICKETT'S CHARGE: A Microhistory of the Final Attack at Gettysburg. By George R. Stewart. Houghton Mifflin. 354 pp. $5.

W. S. Merwin

TAKING the Battle of Gettysburg (July 1, 2 and 3, 1863) as the decisive one of the Civil War, Pickett's charge on the third day was that battle's decisive maneuver and in many respects its epitome. When the Army of Northern Virginia, under Lee, confronted the Army of the Potomac, under Meade, across a few gently rolling farms in southern Pennsylvania, the Confederates had suffered no signal defeat. On the contrary, during the two years and more since the war had begun, they had won or drawn battle after battle until it seemed to many that the road to Washington lay virtually open to them. Even so perspicacious and sage a man as Lee was convinced that a single crushing blow would force the North to capitulate, and he laid his plans accordingly.

This confidence and Lee's appraisal of the situation were basically unchanged when, after two days' fighting, at around three in the afternoon, Pickett's command moved forward up the gradual slope toward the Union lines on Cemetery Ridge, the best part of a mile away. Barely two hours later that command has been flung back from the ridge with more than 60 per cent casualties, including almost all its field officers—a loss from which this important section of Lee's Army never recovered. The march into Pennsylvania had been stopped and the Confederacy was receding from its high-water mark. Lee lost the offensive that day and never really regained it. Indeed, his situation was such that the best he could hope for, in the immediate future, was the chance of an organized and unharried retreat under cover of darkness; a prompt and determined Union counterattack might have compelled him to surrender then and there.

According to some military definitions of the word, and certainly in its usual and popular sense, "Pickett's Charge" was not a charge at all. For that matter, insofar as a popular conception of Pickett's charge can be said to exist, it is almost sure to be at variance with what happened on that afternoon. In the first place, the advance was carried out entirely by infantry. I have heard it discussed as though it had consisted of galloping cavalry, the scions of the tidewater families of the Old South, spurring forward out of pure blind gallantry. There was gallantry, and no mistake, but there were very few horses. Only a handful of the Confederate officers were mounted, and they were exceptions who kept to their saddles because of wounds or for other particular reasons; Pickett had expressly ordered officers to join the charge on foot. Nor did the Southerners rush forward giving the shrill rebel yell. Confronted with open fields, the slightest of cover, and a long way to go before they could reach the Union positions, they advanced at something under a hundred yards a minute, keeping parade-ground order over most of the distance. They were not in any numerical sense at a disadvantage, either: they had more artillery on the field than their opponents, and their infantry outnumbered that of the North by nearly two to one.

WHEN it comes to Major General George Edward Pickett himself, ambiguity in the end impedes history, though the main drift seems clear. He was popular; he was rather a dandy, with curls hanging to his shoulders; at thirty-eight he was madly in love with a young lady in her teens, and he employed the moments just before the charge in writing her a love letter which he entrusted to General Longstreet when the latter gave him the signal to begin the advance. Then, having ridden with the charge for about half its distance, he stationed himself at a farm building in order to direct the action from there. This, as Mr. Stewart points out, was correct behavior for an officer responsible for nine brigades: he was supposed to "exercise command from where he could best observe the situation." And in fact he was well within range of the Union positions. On the other hand, when the going got really sticky a bit later, he neglected to ride forward to lend his troops the benefit of his presence, as presumably he should have done; and later still, when the charge had failed and the Union counterattack was beginning, he turned from the battle and rode back to the Confederate lines. In the latter instance, indeed in both, it has been argued that there was nothing which he could have accomplished by maintaining closer contact with his brigades. Even if that were so, it is scarcely surprising that Pickett was subsequently accused of every shade of incompetence and cowardice. Further, his later military career can scarcely be said to do him honor. In April, 1865, at Five Forks, his division was cut to pieces and on that occasion Pickett was not at the scene at all but was away at a shad-bake. It was near the end of the war; Pickett was relieved of his command, but the scandal was hushed up.

Still, "Pickett's Charge" at Gettysburg did not turn out as it did because of anything which Pickett did or failed to do. He was merely carrying out orders, after all, and up to a point at least he did so perfectly adequately. On the other hand, to a degree unusual in military or political activities, the responsibility for Gettysburg and its outcome can be narrowed down to one man: Lee. It was he, and he alone, who decided to make a frontal attack on the center of the Union line, on the third day of the battle. Within certain limits it is possible to reconstruct the circumstances which must have prompted his choice of action. He had either to attack or to retreat; he guessed, and rightly, that Meade would not attack, and in any event his own disposition was for attack. On the first two days' fighting he had attacked both the right and the left of the Union position; he believed that a massive drive at the Union center just at this moment would be more than the Army of the Potomac could take.

Lee's plan was based on incomplete knowledge of just what troops were facing him, and on a not very high opinion of them or of their officers in any case. Exactly what information he did have, and how he arrived at his plan, there is now no way of knowing, and so there is no way, finally, of judging his decision. Nevertheless, Longstreet, Lee's second in command, a soldier's soldier, a general only less prodigally gifted than Lee himself, opposed the charge from the beginning, and was so convinced of its inevitable

W. S. MERWIN is a poet whose work has appeared frequently in these pages. His latest collection of verse is Green With Beasts.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

failure that he was accused—later on, when scapegoats were wanted—of defeatism. At the same time Meade guessed correctly what Lee was going to do. Meade, as a general, was not in Lee's class at all; was his prognostic merely a hunch, or does it too cast an aspersion on this particular decision of Lee's? When the facts have all been weighed, the nearest thing to an "explanation" is Lee's confidence: "I thought my men were invincible." And when the entire event has been reviewed, one is left, even after the colliding awful spectacle of the battle, with the image of Lee, crushed, repeating over and over, "The fault is all mine . . . all my fault . . . my fault!"—and with a sense that one has been confronted with at least one irreducible meaning of the word "decision."

I WAS left wondering, too, why this book (considering how many are written on the Civil War every year) was never written before. Much, as Mr. Stewart points out, has been written about the battle, on one side or another. What he has set out to do is to tell the whole story of "Pickett's Charge," and to do it without bias, starting from early morning on the day itself until the Union counterattack petered out in the late afternoon and early evening. The technique of detailed narrative which he developed and made familiar in books like *Storm* and *Fire* is used to good effect here: the intricate exposition of the Armies' positions, the plans of the generals, and the battle itself, are lucid and sharp without ever descending to the sensational, nor to pointless conjecture. Indeed, in *Pickett's Charge*, Mr. Stewart makes a point of articulating no particular vision about the war, human behavior or destiny. He sticks to the facts, and while the result sometimes has a satisfaction resembling that of reading primary sources, it occasionally seems disappointingly two-dimensional. Still, it is neither more nor less than it sets out to be, which is first-class reporting: objective, intelligent and readable.

Stains on the Common Law

AGAINST THE LAW. By Peter Wildeblood. Julian Messner. 189 pp. $3.95.

C. H. Rolph

IF I WERE a homosexual and had written this book it would be much more violent than it is. One virtue of such a book by a writer of Mr. Wildeblood's caliber is that it necessarily shows him to be a thousand things besides the homosexual that he declares himself to be — normal and admirable and ordinary things; and though his context must isolate the fact of homosexualism, he gives it some kind of perspective (difficult to achieve in England) when he says: "I am no more proud of my condition than I would be of having a glass eye or a hare lip."

He must have known that a carefully restrained narrative, keeping strictly to the facts as he saw them, would portray English justice in about its worst possible light. And sure enough it does. Most people who read the book are made ashamed of what was done to this young man and his co-defendants at Lewes Assizes in 1954. In truth, I doubt that any book has made a greater impact on British conscience since Dickens and Charles Reade were writing.

Its author was involved in the "sensational" Montagu case, a criminal trial which had three principal results. It sent three intelligent, likable, cultivated and socially valuable young men to prison for conduct which had inflicted no harm upon anyone; it exposed the cynicism and impunity of certain police methods — which have not since, however, been modified in the smallest degree; and it showed the odious figure of the sneaking accomplice earning immunity by betraying others — and being officially encouraged to do so.

I DON'T myself praise or even accept this remarkable book uncritically. On the basis of a police experience of some variety, I believe Mr. Wildeblood to be mistaken, for example, when he says that his telephone was being tapped while his trial was pending. In times of stress and personal danger this is one of the easiest of all illusions, and I wish more people could know how difficult it is for the police to get the necessary Home Office sanction for telephone tapping. But I have discussed it with him and he genuinely believes it happened. "When I made a call, I could faintly hear someone moving about on a creaky chair" (as if they would!) "and sometimes humming, as of a recording machine." Another thing: when he says that Mr. G. D. Roberts, QC, Counsel for the Crown, "thundered" about homosexuals in his opening speech to the jury, you need to know that Mr. Roberts, although a big man, has a thin voice that will not produce thunder. And when this book attacks the Government and the prison commissioners for the "callousness" with which they contemplate the truly disgusting state of some English prisons, it is, in the main, blaming the wrong people: the responsibility lies with the British public, which grudges every penny spent on prison improvement and bitterly opposes every scheme for establishing a new "open" prison — the only hope of amelioration for many years to come. But with a very few such qualifications this is the most outstanding book on English prison life to have been written

C. H. ROLPH, a regular contributor to the New Statesman, *is a former Chief Inspector of the City of London police. He is a member of the Executive Committee of the Howard League for Penal Reform.*

CONTEMPORARY ISSUES

a magazine devoted to incisive, critical analyses that go to the *root of social problems* and explore alternatives to the *world-wide* social impasse.

Begin your subscription with the Nov.-Dec. issue featuring

THE AMERICAN ECONOMY
by Robert Keller

A comprehensive, 32-page study of the *contradictory* tendencies in American economic life.

also articles on:

- **Brutality in Kenya**
- **The New American Painting**
- **Maximum Permissible Dose of Hokum '59**
- **Radioactive Fallout**

☞ Clip and mail to:

CONTEMPORARY PRESS
545 Fifth Avenue, New York 17, N.Y.

Please check one or both:

☐ Send me **CONTEMPORARY ISSUES** for one year (4 issues) beginning with the current copy containing "The American Economy." **Bill me for only $1.80.**

☐ Send me a sample copy of **CONTEMPORARY ISSUES free of charge**

Name .....

Address .....

City ..... Zone ..... State .....

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for half a century; and in all important respects I would be prepared to say, hand on heart, that it is accurate down to its smallest detail.

Nevertheless its main importance lies not in its prison pages but in its account of the "pre-trial enquiries." These involved police methods which seem to have had the full approval of the courts and, subsequently, of the government itself. And here American readers will find some startling comparisons. It is a matter of growing concern to American police authorities, for example, that evidence obtained either directly or indirectly as the result of illegally searching a man's house will not be admissible in evidence. Wildeblood's flat was searched (in his presence, at eight o'clock in the morning) by two police officers who had no warrant to do so, and the residences of his two co-defendants were actually searched in their absence. Letters were thus found which, in each case, were incriminatory only of the occupant; but because they were all later charged (rather, it seems, as an afterthought) with "conspiracy" to commit homosexual offenses, each and all of these letters served as evidence against the three of them.

Few people in England are very proud of that part of the story, but if the full implications of the Common Law "conspiracy" indictment were generally understood there would be an uproar resulting in its repeal. It is as cruel and unprincipled as any legal chicanery that has helped to fill the Hungarian prisons and the Siberian labor camps with their legions of political prisoners. In the days when the English police system was rudimentary and ineffective, the law felt itself dangerously threatened by any agreement among "evildoers," and all kinds of indictments against "conspirators" were held to be good. As Lord Campbell said in the House of Lords on March 1, 1859: "If two men agree to blow their noses together during Divine Service so as to disturb the congregation, they may be indicted for conspiracy." And they still could. It is also true today that, as James Stewart Parnell's lawyer remarked at his trial in 1881, "plausible means may be found for declaring it to be a crime to do almost anything which the Judges regard as morally wrong or politically or socially dangerous."

But if we are not sufficiently disturbed in England about our conspiracy laws, it is because most people do not know about or understand them. Peter Wildeblood's book has at least made people understand more clearly than they have ever done before, with reluctance and anger, that English law strikes odious bargains with offenders who are willing to turn (or can be frightened into turning) traitor to their former friends. The two chief witnesses in the Montagu case, male prostitutes who were known to have committed many other offenses and who admitted their complicity in those under trial, were not even prosecuted. It is this principle above all that has stuck in people's gills. And no one so far, certainly no legislator, has lifted a finger to do anything about it.

THE Montague case led directly to the appointment of the Wolfenden Committee, which more than two years ago recommended that homosexual acts taking place in conditions of privacy between consenting adults should no longer be criminal. Nothing has been done about that, either. The recommendation has had the support of all the churches and, with astonishing spontaneity and articulateness, hundreds of leaders of public thought; but the Government thinks "the time is not yet ripe," which is to say that there must be yet more Wildeblood crucifixions, at least for a few years. A recent publication from the Church of England Moral Welfare Council, *What Is Unlawful? Afterthoughts on the Wolfenden Report*, by Quentin Edwards, a London barrister, suggests that the law should now make all homosexual acts "unlawful" in a sense which is less than criminal (e. g., as having, like adultery or like professional negligence, civil consequences short of actual punishment), and a few such acts, involving, for example, assault or public indecency, punishable as crimes in either sex. This might offer an area of compromise for the extremists, giving as it does a chance to condemn the practice of homosexuality openly as "unlawful" and yet to declare that justice does not require that every homosexual act between men should be a crime.

For the individual, however, for the man who wrote *Against the Law* and who has now long been out of prison and earning his living again as a gifted writer and journalist, the position remains as he describes it. From what I know of Americans, I think they will read it with horror.

In Pursuit of a Civilized Society

WHITEHEAD'S AMERICAN ESSAYS IN SOCIAL PHILOSOPHY. Edited by A. H. Johnson. Harper & Bros. 206 pp. $4.

Y. H. Krikorian

FROM THE DAYS of Plato to our time many thoughtful minds have attempted to create an image of the ideal society. Aristocracy, absolutism, totalitarianism and democracy are images of this kind. Whitehead was continually trying to create such an image.

Whitehead's major contributions are in the fields of logic, philosophy of science and metaphysics; yet his concern with the ideal civilized society appears recurrently in many of his writings and principally in the essays and lectures that were written for the general public during his stay at Harvard. These have just been edited with an enlightening introduction by A. H. Johnson. Whitehead's approach to his task is not that of a trained historian or sociologist but rather of a highly cultivated reflective mind. What are his views on the possibility of an ideal civilized society as expounded in this collection?

First, as to the nature of a civilized society. Whitehead developed his idea of civilization primarily in his *Adventures of Ideas*, and most of what he says on civilization in this volume has its roots in his earlier writings. The notion of civilization is a complex and ambiguous one. Though Whitehead fully realizes the difficulties involved, he would like civilization to mean a society that makes possible a meaningful and enjoyable life for all. Historically, civilization for Whitehead is the victory of persuasion over force. Civilization is the maintenance "of social order, by its own inherent persuasiveness as embodying the nobler alternative." Resort to force is a sign of the failure of civilization. The great idea which Plato gave to the world, and which was further developed by Christianity, was that the divine element in the world is not the coercive but the persuasive one.* This humanitarian ideal developed the notion of the dignity of man and undermined the early prevalent idea of slavery. And this human-

Y. H. KRIKORIAN is professor of philosophy, The City College, New York. He is the editor recently of Naturalism and the Human Spirit.

*For a contemporary example of this principle in action, see "Should Labor Be Coerced?" by William Hammatt Davis, page 371 of this issue.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

itarian ideal has increased the sensitivity to human possibilities. For Whitehead these possibilities are truth, beauty, adventure, art and peace. A civilized society is one that exhibits these values in all the phases of its activity.

Civilization is not, as often assumed, a mere knowledge or imitation of the best of the past; it involves freshness and novelty. As Whitehead puts it, "A race preserves its vigor so long as it harbours a real contrast between what has been and what may be; and so long as it is nerved by the vigor of adventure beyond the safeties of the past. Without adventure civilization is in full decay." Values of civilization, for Whitehead, are not mere abstractions but the actual experiences of individuals. Civilization is characterized by the maximum respect for individuals.

THE ideal society can never be realized, only approximated. Whitehead's very notion of reality as process makes all accomplishment provisional. Yet he is basically optimistic. He suggests some major conditions that make possible a high degree of civilization.

One of these conditions is the prevalence of more humane ideas. "As we think we live." In each era there are some ideas which are so pervasive that they are accepted like the air we breathe. In the Hellenistic-Roman period the idea of slavery was taken to be inescapable. Yet more humane ideas of man ushered in the primacy of the ideas of freedom and equality. Whitehead, of course, in his emphasis on the efficacy of ideas does not ignore the importance of custom. Ideas to be effective must be "massively coordinated inheritance."

Another condition that makes for civilization is an economic system that harmonizes with the cultural needs of the individual. Whitehead especially emphasizes this condition. The fusion of the ideal with the economic policies makes "the stuff of history." In our present economic system there is "a starvation of human impulses, a denial of opportunity, a limitation of beneficial activity — in short, a lack of freedom." Whitehead makes some suggestions in the direction of improvement: greater employer-employee cooperation, more creative work, beautiful surroundings for industrial plants.

Finally, a more vitally motivated education can make an important contribution to civilization. What Whitehead writes on education is in many respects the best part of the present volume. Whitehead was a distinguished educator and had a rich experience in some of the leading universities. Education must not deal exclusively with abstract intellectual concepts and factual knowledge. "A merely well-informed man is the most useless bore on God's earth." Abstract or factual knowledge is useful only when it promotes worthy thought and action. At many points Whitehead's and Dewey's views on education are strikingly similar.

MOST of what Whitehead writes is challenging; yet some of his suggestions involve difficulties.

First, to what extent do ideas determine history? This is a difficult issue. Ideas have an important role in history; and at a time when many anti-intellectual movements depreciate their significance, one should be reminded of their efficacy. Yet to what degree are they effective? Was the abolition of slavery primarily due to democracy or to the fact that it was uneconomical under technological conditions? Many would give the main weight to these conditions. Whitehead is not unaware of such situations; yet when he writes ". . . . it was democracy that freed the slaves," or, when he says, "As we think we live," one feels he tends to give too sweeping a power to ideas. Often it is truer to say, "As we live we think."

Whitehead's suggestions on the present economic system fall mostly in the efficiency-building area, though he is not so much interested in efficiency as in the development of more humane and cultured industrial relations. The suggestions are fruitful as far as they go, but he fails to consider the tougher and more basic economic issues, such as the fair distribution of wealth and the more democratic control of economic forces, without consideration of which his suggestions would not much alter the present situation.

As for Whitehead's views on persuasion, which are so central to his whole view of civilization, one can fully agree with his espousal of this method as the only civilized way of settling conflicts, and can approve his eloquent defense of it. But can society wholly dispense with force? Men seem to be pretty generally convinced that sometimes force is the only means that is left for reaching decisions. When a deadlock occurs between conflicting aims, there is nothing left but to fight it out. Though force is not a substitute for reason in human affairs, it might well be an element in the rational life.

Whether one agrees or not with Whitehead's specific suggestions for improving our society, one is exposed, while reading these essays, to a mind that is genuinely humanistic, deeply concerned with

THE VIENNA YOUTH FESTIVAL

has been the subject of varying reports in the past few month. The demonstrations, the color and splash, the fist-fights as well as the repeated affirmations of "peace and friendship" have all been covered in the press. But what are the most relevant facts about the festival? Why was the Austrian youth movement bitterly opposed to it? Will another festival be held outside the Iron Curtain? For answers to these questions, be sure to read A REPORT ON THE VIENNA YOUTH FESTIVAL in the fall issue of

VENTURE

The report is written by a member of the Student League for Industrial Democracy who was in Vienna throughout the Communist sponsored and dominated festival. The SLID, publisher of *Venture*, is America's oldest campus liberal organization. Through the 55 years of its existence, the SLID has acted to reduce the complacency prevalent at American colleges about all kinds of social and political issues. *Venture*, published quarterly, is the only nationally distributed magazine about social and political issues completely written by students.

Also appearing in the fall issue:

THE ETHICS OF PACIFISM
MR. LIPPMAN'S WORLD AND OURS
THE NEED FOR UTOPIAS

and many other articles and reviews.

Chances are that *Venture* will do more for you than simply reinforce the opinions you already hold. Why don't you send for a free sample copy today? Or if you would like to subscribe, rates are just $1 per year and $2.50 for three years.

VENTURE
Student League for Industrial Democracy
112 East 19th Street
New York 3, N.Y.

☐ Please send me a sample copy of the fall issue

Enter my name for a subscription

☐ 1 year, $1 ☐ 3 years, $2.50

Name .....

Address .....

City ..... Zone ..... State .....

I am a student at .....

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

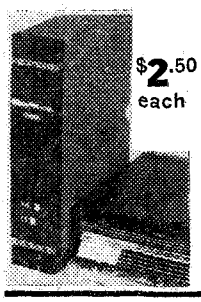
"BEST PLAY"—N.Y. Drama Critics' Award

a raisin in the sun

A new play by LORRAINE HANSBERRY

starring CLAUDIA McNEIL
OSSIE DAVIS • RUBY DEE

MAIL ORDERS FILLED: Evgs.: Orch. $6.90; Mezz. $5.75, 4.80, 4.05, 3.60; 2nd Balc. $2.90. Mats. Wed. & Sat.: Orch. $4.60; Mezz. $4.60, 4.05, 3.60, 3.00; 2nd Balc. $2.30. Tax Incl. Enclose stamped, self-addressed env.
BELASCO THEATRE, 111 W. 44 St., N. Y. C.



$2.50 each

SAVE YOUR COPIES OF THE NATION

● Each file holds a full year's copies.

● Jesse Jones Volume Files for every publication.

● Covered in durable leather like Kivar, title embossed in 16 Kt. gold.

Satisfaction guaranteed

Attractive and practical for your home or office

3 for $7.00
6 for $13.00

ORDER NOW — send check or money order

Magazine File Co.
520 Fifth Avenue
New York 36, N.Y.

FREE DESCRIPTIVE FOLDER UPON REQUEST

Now Available

RECENT CANADIAN VERSE

A Brief Anthology

Price 75 cents

Order from

QUEEN'S QUARTERLY
Queen's University,
Kingston, Ontario, Canada

the achievement of an imaginatively rich civilization; and one is also enlivened by the essential optimism of this mind that yet does not ignore the complexities that lie across the path toward the ideal society. I wish myself that he had explored more adequately the darker aspects of our society. But if courage and hope are prerequisites for success in our pursuit of an ideal society, then Whitehead's rational optimism remains of great value.

An Isle of Greece

THE MERMAID MADONNA. By Stratis Myrivillis. Translated from the Greek by Abbot Rick. Thomas Y. Crowell. 310 pp. $4.50.

Richard Elman

RECENTLY a friend of mine, an American of Greek descent, went back to the Islands on a holiday to visit his father's relatives. Because of the exigencies of travel in that part of the world, he was not able to let his father's people know in advance when he would arrive at their village. When he did come to that crossroads underneath a plane tree which his father had been telling him about ever since he could remember, he expected that his arrival would cause some surprise. This, however, was not the case. An old man, chipping at some cobblestones about a hundred feet down the road from where my friend's taxi dropped him, looked up, shielded his face from the sun, brushed his hands clean against his frayed trousers and smiled. "Let me see," he said. "You must be John's boy."

I mention the incident because it is of the same texture as those in Stratis Myrivillis' remarkable novel *The Mermaid Madonna.* Since Mr. Myrivillis is highly regarded in European literary circles and is now touring this country as a guest of our State Department and has even been nominated for the Nobel Prize, it should be emphasized that the novel, his first to be published in this country, is a truly indigenous work.

Few novels in recent years have been at once as realistic and as remote as *The Mermaid Madonna.* It is set on one of those obscure, sleepy Greek islands where hardship is an everyday event. But religion is also an everyday event in Mr. Myrivillis' world and just as early death, homelessness, lust and poverty are treated as the normal lot of man, so is spirituality given its place. Never does Mr. Myrivillis question the visions and superstitions which he attributes to the simple folk who populate his book, just as they do not question their poverty or the intransigence of their circumstances. The result is a group of characters of great vigor with whom the author seems passionately concerned and through whom he is able to touch us quite often with incidents of great poignancy.

NEVERTHELESS, *The Mermaid Madonna* will probably have the effect of a kind of fairy story upon even its most interested American readers. That is because there are so few moments of identification along the way. In no vital sense does the experience of these homeless, dispersed Anatolian Greeks seem analogous to the experiences of people in twentieth-century America or, for that matter, in most other parts of Western Europe. Ours is an age of social mobility. This story is about the immobility of those who have been dispersed, those to whom the idea of change simply does not occur. Moreover, despite his use of the most compelling kinds of verisimilitude, the story, rooted in legend, nurtured by caste and a strict social order, seems unavoidably charming even when tragic notes are struck.

For example, I don't doubt for a moment that in the harsh contexts of ignorance and defeat a foundling girl like Smaragthi might become a kind of living legend of chastity and hope, nor even that her virtue might be attacked by her despairing stepfather, nor that the natural world and the everyday chores of living might assume a biblical sanctity to the ignorant and the oppressed; however, this is not the world which most of us are fated to endure. So the problems of Myrivillis' people seem as relevent as those of Rapunzel or the Little Match Girl and his unabashed spiritualism seems wholly inapplicable and provincial. That may be why *The Mermaid Madonna* has acquired such critical respect from some quarters and why it still remains a disarming experience for this reader. Not only does it seem well translated and superbly written; it is also absolutely relentless in evoking a scene and an experience. Thus all the elements of significant fiction are present except pertinence: one finishes this work, almost as one might look up from a pastoral poem, after having marveled over a world that can never happen again.

RICHARD ELMAN, a young poet, is the author of the recent novel A Coat for the Tsar.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ART

Fairfield Porter

SCULPTURE is a displaced art. Since the Renaissance at least, there have been many fewer sculptors than painters, and the quality of sculpture has not equaled that of painting. And, except for Rodin, the best sculpture since the eighteenth century has been made by painters: Degas, Renoir, Matisse, Picasso and Giacometti. Nowadays the problem of exhibiting sculpture is a very difficult one. It is hard to get space enough: outdoors is usually better than indoors. But even the Museum of Modern Art's sculpture garden looks like a cramped storage room; only Rodin finally holds his own there.

Is sculpture an adjunct of architecture? It certainly has been; but how can it be an adjunct of modern architecture, which is mostly anti-art and anti-ornament? Before the Industrial Revolution architecture was monumental; *things* were made. Art made thingishness coherent, logical and objective, in a single building or façade, or in a larger way, in the baroque street or square, or the Paris of Napoleon III. Paris has the beauty of a visible humane coherence. Buckminster Fuller once suggested that the architecture of the future would be invisible. In the twentieth-century urban environment of America the presence of the past is ghostly and the connections with the past are weak. The coherence of New York is invisible, though it can be experienced.

The most visible urban coherence of this century is the Los Angeles system of freeways. Los Angeles or New York is a complex of functions. Experience of our twentieth-century-created environment is linear and textural: lines of force of traffic, water, gas and electricity, and texture that builds nothing. "Man" is not an object to be looked at in the round; instead he is what one is inside of. Man is interior and subjective, and it is unprecedented for artists to try to express this with three-dimensional objects.

And so modern sculptors, I suppose influenced by their environment, often do not present any image of man at all. They present an image of the environment. The current fashion for steel as a material comes from the use of steel in modern construction. (It also comes from the absence of craftsmen trained in bronze casting.) Beside the challenge of the materials, the social challenge that issues from the functional instead of monumental character of the environment makes man, too, a part of a function, or at least diminishes his scale. Consequently much sculpture, like much painting today, resembles Chinese painting, in which man is subordinate to the environment; and many sculptors, like Smith, carry the resemblance further, by sometimes making landscape their subject matter. What goes well with modern architecture or, rather, what do modern architects admit as an adjunct, if not plants? The terrace of the Lever Building contains, as far as one can tell from the street below, a wilderness of trees, a most informal garden. Sculpture to go with such architecture would by no means have to be a heroic version of man, not even a sociologist's or moralist's version; but instead some sort of undisciplined life to set off the engineering, like autumn weeds blooming in the cinders of a railroad embankment.

TWO exhibitions of sculpture in October had a lot to do with meeting these challenges: the show at the Castelli Gallery, called "Art in three dimensions," and the sculpture group at the Stable. Both exhibitions, though arranged with all the skill at the command of the galleries, were crowded and confused. They showed the various responses of sculptors today to their environment. Some try to represent man, as developed from the Cubists' view of man, which, by the way, being geometrical, can harmonize with architecture. Such sculptures are Kohn's *Ecole Maternelle* (at Castelli), a wooden "figure" with a head stuck full of projecting dowels, or Geist's figure with nonmatching legs (at the Stable).

Louise Nevelson responds to these challenges by building her own architecture. She makes a façade. This is close to that Renaissance non-objective architecture that consisted of useless façades. Her sculpture-architecture is fantastic rather than representational. She exhibited in both galleries and will be showing at the Martha Jackson Gallery through Nov. 21.

At the Stable, Weinrib's tangle of wire and bent metal on two supports, though looked at from the outside like any sculpture, created a thicket that the spectator is imaginatively drawn into, as one imaginatively enters and walks around in a Chinese landscape painting. Its formality is to be judged from every direction, but as if from inside. It is therefore somewhat subjective; or perhaps one should say it is an object that communicates physical subjectivity. In both exhibitions Chamberlain showed jammed-up conglomerations of brightly painted mudguards. The color, which is easy and natural, contradicts the look of ruin: the forms are those of a junk yard, and the color suggests acceptance: they are like rowboats planted with flowers. In both shows, Ortman's neat constructions have the brightly painted geometry of games of chance. His moral could be that you find your reward by following the rules, without regard to the outcome, as one enjoys parcheesi.

Seley's figure at the Stable was subjective in another way. A lacquered, smoothly curved irregular piece of metal stands erect on two angle irons; at the top is a burnt vertical slit-mouth. It represents the subjective experience of the nude. Jean Follett's cindery trays with an arrangment of insulators have poetic nostalgia.

At the Stable, Sugarman created volume in a sequence of heavy curves chiseled from a long lamination of

". . . a call to those who believe in the law of Love as contrasted with the use of violence."
—DON MURRAY . . . Hollywood

A Docudrama

WHICH WAY THE WIND

by Philip C. Lewis

Fri., Nov. 27—International House, 500 Riverside Drive, N.Y. ..... $3.
Sat., Nov. 28—Little Theatre, Adelphi College, Garden City, N.Y. $2.
Sun., Nov. 29—Ridgewood, N.J. ..... $2.
CURTAIN 8:40 P. M.

American Friends Service Committee
GR 3-5998

Free to WRITERS
seeking a book publisher

Two fact-filled, illustrated brochures tell how to publish your book, get 40% royalties, national advertising, publicity and promotion. Free editorial appraisal. Write Dept. NA11
Exposition Press / 386 4th Ave., N.Y. 16

Buy Your Books
through *The Nation*

Nation readers can avail themselves of our offer to send them any book (except paperbacks) at the regular retail price post-free if payment is received with the order, or at the retail price plus postage if the book is sent C.O.D. No C.O.D.'s outside the United States. When ordering, please give name and author and publisher, if possible.

Please address your orders to
THE READER'S SERVICE DIVISION
333 Sixth Ave. New York 14, N.Y.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

planks. Of all the exhibitors he perhaps depends least on sentimental overtones.

The influence of Brancusi dominates the diversity of Kohn, King, Malicoat and Noguchi. Malicoat's rock has the Japanese appreciation of nature-for-itself. Noguchi's *Square Bird* is one of the few sculptures to express any sensuality, which is in the smoothness and precision of the surface. The overwhelming presence of science and technique has tended to eliminate sensuality even more effectively than it was eliminated by Victorian morality. Instead of the Puritanism of religion there is the new sociological puritanism, like that of the Communists, creating the pressure to be contemporary; even creating the belief that one can know what one's time is. It seems that many sculptors, under the spell of the invisible reality of functions that dominate our world, want to get out from under the thingishness of their art by elevating subjectivity and evanescence. Where the painters rebel against the nature of their métier by opposing illusion and favoring materiality, so the sculptors on the contrary search for reality in the invisible. Both painters and sculptors rebel against their métier in order to accept better their environment. Abstraction is the result of the attempt to be more truly representational.

The traditional approach to sculpture of Robert White (at the Davis Gallery) ignored these challenges. By not trying to represent the environment, he produces work that can stand on its own and may assert itself in the way Rodin's sculpture does, in the garden of the Museum of Modern Art. White makes a slight and not too successful concession to sociology in the subject matter of his drinkers, with their baroque reminiscences: he is at his best when his subject matter is the individual. His small portrait figures have a powerful presence.

THEATRE

Harold Clurman

PADDY CHAYEFSKY'S *The Tenth Man* (Booth) is a curiosity, a strange compost: it will undoubtedly fascinate some; others may well find it indigestible or offensive.

Into a makeshift orthodox synagogue in Mineola, Long Island, one of the communicants brings his insane granddaughter, a girl of eighteen, who he is convinced is possessed by a *dybbuk*. (A *dybbuk*, according to the playscript, "is a migratory soul that possesses another human being in order to return to heaven.") In his youth, the grandfather had seduced an innocent girl and it is she who now cries out in agonized protest, "I am the whore of Kiev" from the mouth of the virgin who is brought to the synagogue. Frightened, incredulous and awed, other members of the congregation suggest that the *dybbuk* be exorcized. The exorcism takes place. Its effect is transfiguring to a passerby—a young lawyer with suicidal tendencies undergoing psychoanalysis. He is "the tenth man" (ten men constitute the "quorum" required by Jewish law for communal prayer). The sick young man, who believes in nothing, undertakes to care for and eventually to marry the psychopathic girl. He has succumbed to love—the reality of which he had hysterically denied a few hours before—and love, as one character states at the final curtain, is the same as God.

Is this play a fantasy, a folk tale, a mystic parable? No; it is a broad comedy—not through the absurdity of its argument, but through the funniness of its subsidiary characters: the frazzled remnants of orthodox Jewry in a suburban American community. One is a retired cloak and suiter, another a former journalist, still another an atheistic ne'er-do-well who clings to the congregation for companionship and the kind of guying disputation which is supposed to make Jewish conversation so amusing.

In a word, the play has *color*—for never have American Jews been represented as they are here. For example, an impoverished old member of the "quorum" comes in an athlete's discarded sweat shirt—the player's number prominent on its back—undoubtedly the "gift" of one of the wearer's grandsons. The rabbi of this congregation is a harried young man — more social settlement worker than religious leader—trying desperately to raise funds for his synagogue so that it may become something better than a clapboard hole stuck between a grocery and a butcher shop. The rabbi's telephone talk with another young rabbi (he tells him, "You are a truly devoted and pious man and therefore utterly unsuited to the rabbinate") is one of the best things in the play—and central to its serious aspect.

The writing throughout is only occasionally that of a recognizable vernacular such as its characters might speak, and it is not a translation from the Yiddish. Mainly it is a studiously stiff language employed either to give these characters "dignity" or a symbolic universality. On the other hand most of them speak with an inflection customary in American Jewish jokes.

The effect of this mixture of ingredients—I shall not dwell on the semi-intellectual dialogue which implies the author's sympathy with the truth immanent in the ancient ritual and faith—is both meretricious and real. The characters are either synthetic or mere caricatural traits; the gags sometime have genuine savor but they are more often facile. We get the impression of an extremely shrewd showmanship ringing all the changes on the susceptibilities of an audience in which nothing is stable except a kind of foggy benevolence and a faintly aching emptiness which craves laughter to fill the void.

BUT it is from these latter characteristics that the play's reality derives. Chayefsky is talented; his play is willy-nilly an image of the cultural disarray within a large section of American Jewry and within the souls of the theatre public in general which lives on several different moral levels at the same time without possessing any true base anywhere. For while the play shows signs of vague regret at the loss of tradition and nostalgia for a time when one's community had spiritual unity, the jazz-comic tone of the play betrays the predominance of the wry skepticism and cynicism of people who have no firm commitment to anything outside the sphere of success.

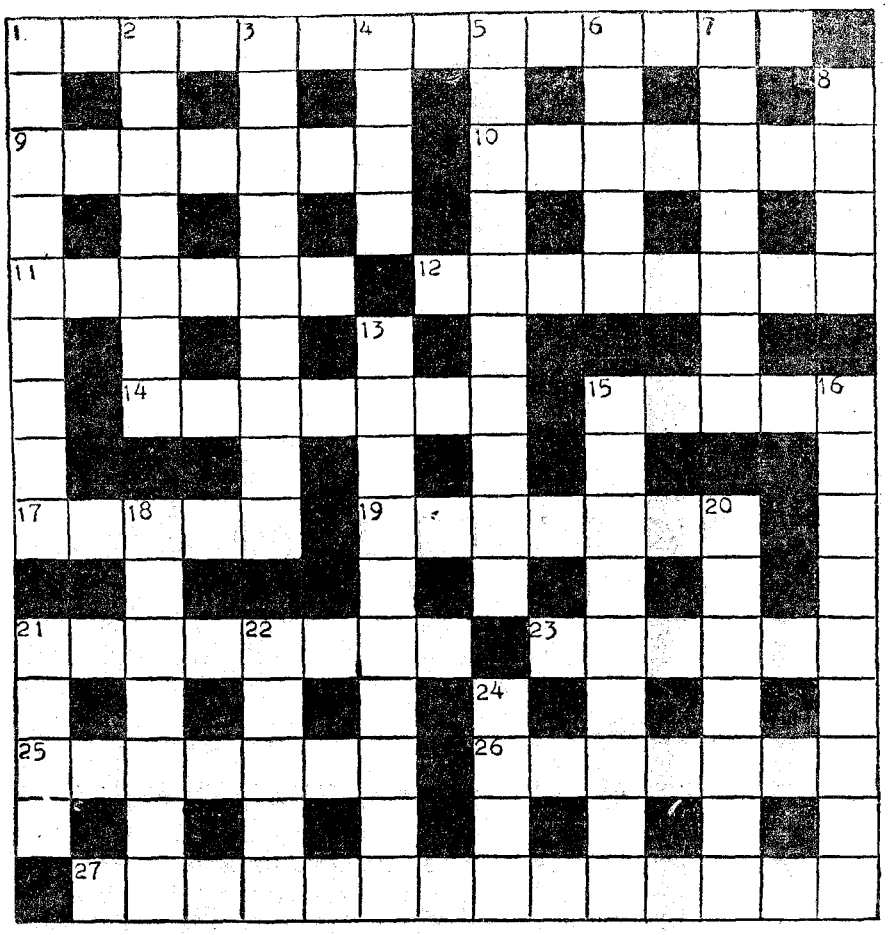
The play therefore is not so much a creation as a symptom. As such it is both sweet and revolting: yet it is preferable to many performances which are mere contraptions of the entertainment industry. "Better to believe in a *dybbuk*," says the play's atheist "than in nothing." That might be the epigraph for *The Tenth Man*.

A dimension of ennobling warmth is given the work by Tyrone Guthrie's direction. Its fluent movement lends the staging naturalness together with a beautiful but unobtrusive pictorial quality—signs of true mastery. Mr. Guthrie has been aided by David Hays's setting and lighting, and an admirable cast whose every member—and particularly Arnold Marlé, David Vardi, Jacob Ben-Ami, Lou Jacobi and Gene Saks — is to be gratefully saluted.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Crossword Puzzle No. 842

By FRANK W. LEWIS



ACROSS:

1 You might be rewarded at 2 to 1 by the favorite, but..... (3, 2, 1, 4, 4)
9 This cat's really flipped about the wood, and acts like a sponge! (5, 2)
10 Look in a sort of blower, and drop, perhaps! (7)
11 Takes the valuables out of armaments. (6)
12 See 1 down
14 Angle that isn't prepaid first, but it might be a ball! (7)
15 How can some lovers bear it? (5)
17 The plot might be, whether run down or not. (5)
19 Wind storm about little George — it's enough to make one duck! (7)
21 See 15 down
23 Candy, but not a mountain. (6)
25 Einstein, but definitely not I, might be strained by it. (7)
26 Pet a couple of animals, and steer down by it. (7)
27 Not a process server — but he may have broken bars. (7, 7)

DOWN:

1 and 12 across Typical of brass bands or the fingers of the unforgetful. (2, 7, 8)
2 Without strife and storm, 27 might direct it. (7)
3 Did all Kipling's pomp belong to it? (9)
4 Where a pet sits and drinks. (4)
5 Dashing the plant into pieces? (10)
6 It smashes atoms — in the mouth, yet! (5)
7 See 15 down
8 The botom of 5 is broken on top. (4)
13 Wind meters, perhaps, along the Mississippi. (10)
15, 21 across, and 7 down Season belonging to the audience of conduct. (3, 4, 2, 3, 5, 2, 5)
16 It's time he was skilled at measuring! (9)
18 Orestes killed her mother. (7)
20 Wandering like crazy, with loose change around. (7)
21 At the other end of 8. (4)
22 Is he possessed by something? Quite the opposite. (5)
24 Seems odd to find Spanish flow in the Bronx! (4)

SOLUTION TO PUZZLE NO. 841

ACROSS: 1, 1 down, 20 across, 14 and 8 First in war, first in peace, and first in the hearts of his countrymen; 6 Otto; 10 Ragweed; 11 Rhenish; 12 Tell; 13 All Hallows; 15 Norther; 16 Portico; 17 Earthen; 22 Cantatrice; 23 Slur; 25 Acanthi; 26 Long Tom; 27 Duke; 28 Usurpation. DOWN: 2 Regular; 3 Toes; 4 Nodular; 5 Airship; 7 Tripoli; 9 Cellarers; 18 Ransack; 19 Nordics; 20 Fickler; 21 Tolstoi; 24 Anna.

PUBLICATIONS

A NEW FOLDER
AMERICANS: POEMS AND DRAWINGS
Edited by Daisy Aldan; Foreword by Wallace Fowlie
43 poets include O'Hara, Kerouac, Ginsberg, Garrigue, Eberhardt; 30 painters include Pollock, Kline, DeKooning, Knaths, Hartigan, Rivers.
Hard cover, 7½ x 10½ — $4.50
Deluxe numbered — $7.50
FOLDER EDITIONS, 57 East 82 St., N. Y. 28

GOOD USED BOOKS, 50c-$1
Postal brings free lists
Editions, Desk N, Hempstead, N.Y.

Give your friends—or enemies —a real challenge!
THE NATION'S BEST PUZZLES
58 Selected Crosswords
Mailed to you—or your victims!
Send $1.25 to:
FRANK W. LEWIS
702 Devonshire Road
Takoma Park 12, Md.

RESORT

ONLY 50 MILES FROM N.Y.C.
RELAX in a friendly atmosphere. Golf at a magnificent Country Club. Dancing. Entertainment. Superb cuisine Fireproof Bldg. Elevator service. Group facilities. In New York City call at local rate.
FAirbanks 5-7227
MAhopac 8-3449
FOREST house
LAKE MAHOPAC, N. Y.

SERVICES

MOVING? Professional moving at competitive rates. Anytime, anywhere. Licensed, insured, experienced. THE COVERED WAGON, ALgonquin 5-1788 (NYC)

WE MOVE YOU WITHOUT TEARS — economical, insured, household moving. Vans, station wagons. Any day, any time. The Padded Wagon. AL 5-8343 (N.Y.C.)

PERSONALS

GRANCO FM RADIO. Beautiful tone, static-free in steel buildings. Only $24.95. Standard Brand Dist., 143 Fourth Avenue (nr. 14 St.), N. Y. GR 3-7819. 1 hour free parking on all sales.

FEARLESS LAWYER WANTED — to aid me in the preparation of a Petition to the Appellate Division to right a wrong committed by a member of the Bar. Fee basis. Confidential. Box 478, c/o The Nation.

Advertising Rates

CLASSIFIED
74c a line (6 words)
Three-line minimum

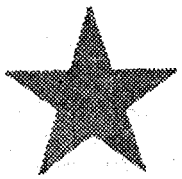
CLASSIFIED DISPLAY
$7.42 per inch (minimum)

The NATION
333 Sixth Ave., New York 14, N.Y.
CHelsea 2-8400

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Give

THE NATION



for Christmas

. . . For the very special people on your Christmas list who will appreciate the opportunity to share with you the excitement and stimulation that The Nation brings its readers every week.

. . . Each subscription you order on the accompanying coupon will be sent with a gift card bearing your name.

. . . **And remember,** after your first gift order at the regular price of $8 per year, each additional order will cost you only $6 for the full year.

. . . Fill out and mail the coupon **today.**

Christmas Gift Order Form

THE NATION, 333 Sixth Ave., New York 14, N. Y.

Please send The Nation as a Gift for one year at the Christmas Rate of $8 for the first Gift subscription and $6 for each additional Gift to the following friends:

NAME .....

ADDRESS .....

CITY ..... Zone..... State.....

Sign Gift Card from .....

NAME .....

ADDRESS .....

CITY ..... Zone..... State.....

Sign Gift Card from .....

(If you want to send more than two Gift Subscriptions, send additional names and addresses on separate piece of paper.)

YOUR OWN NAME .....

ADDRESS .....

CITY ..... Zone..... State.....

☐ I enclose payment of $..... ☐ Bill me

11-21-59

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED